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A Comparative Study of Religious Toleration in Rhode Island and Maryland During the Seventeenth Century

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A Comparative Study of Religious Toleration
in Rhode Island and Maryland
during the Seventeenth Century

By

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A Thesis Submitted in Partial Fulfilment
of the Requirements for the Degree of

Master of Arts

in

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INTRODUCTION

The tercentenary of the landing of the pilgrims at St. Clement's Island, March 25, 1634, is an event that is of interest not only to Catholics of Maryland but to Catholics of the country at large. It is an anniversary of national significance. Appreciative of the efforts of the founders of Maryland, no American who cherishes the privileges born of religious liberty will fail to contribute his share toward immortalizing the significant achievements of the Calverts. Their express purpose was to open a sanctuary where Englishmen could enjoy the rights of Englishmen, religious liberty not excepted. Three hundred years have passed since this plan of George Calvert materialized in the founding of Maryland and the establishment of religious liberty on the virgin soil of America.

Prejudiced minds may question the occasion for such commemoration. They may call attention to the fact that the colony of Rhode Island was founded by the so-called "Apostle of Religious Liberty", Roger Williams, and was created for the express purpose of harboring men of all denominations. Historians agree that both Roger Williams and the Calverts advocated the principle of separation of Church and State; both endured persecution for the cause of freedom of worship; both founded a colony based on the same principle.

A twofold question arises: Did these founders manifest their attitude toward the principle of religious toleration in the same manner? How much toleration actually prevailed in each of these colonies?

It is the purpose of this paper to answer these two questions by tracing the attitude of the founders and the practical application of this principle in their respective colony during the seventeenth century.

CHAPTER I

ATTITUDE OF ROGER WILLIAMS TOWARDS RELIGIOUS FREEDOM
AS REVEALED IN HIS LIFE AND WRITINGS

Section One

Short Sketch of Life of Roger Williams
Prior to the Founding of Rhode Island

The distinctive feature of the greatness of our country is not her immense wealth, not her limitless resources, not her unique versatility; it is the ideals which she inherited from her early founders. In two of our early colonies we find an ideal, religious toleration, planted, nourished, and developed. Roger Williams and George and Cecilius Calvert, the founders of Rhode Island and Maryland respectively, were the first to establish this principle in the American colonies. Through their efforts the ideal of religious liberty, a necessity in their day, was perpetuated in our Federal Constitution by the incorporation of clauses which embody the practice of religious freedom.

Roger Williams, the founder of the Rhode Island colony, born about the year 1603, was the son of a merchant tailor of London. In boyhood he manifested a quickness of apprehension which made him successful in acquiring languages later in life. Before he was fifteen the precocious lad took up the study of shorthand, which had been just introduced in London. He acquired skill as a stenographer, and was employed in the Star Chamber to take notes of sermons and addresses. The accuracy with which he transcribed these notes led Sir Edward Coke to adopt him as his protege. Through his influence, Roger Williams was nominated for Sutton's Hospital, as the

Charterhouse School was then called. His love for study was increased by the example and encouragement of Sir Edward, "who was wont to say that he who would harrow what Roger Williams had sown must rise early."¹ About 1623 Roger Williams registered at Pembroke College, Cambridge, as a pensioner and took his degree of Bachelor of Arts in January, 1626-27. After graduation he continued his studies and prepared for the ministry to which he was admitted about the year 1628. After leaving Cambridge, Williams became chaplain to Sir William Masham at Otes in Essex. Here he became acquainted with his later rivals John Cotton and Thomas Hooker. From them he learned of the affairs of the Massachusetts Bay Company of which Sir William was a member, and gained the reputation of being "divinely mad". The following year he married Mary Bernard in the parish Church of High Laver, Essex County, and within a year he embarked on the ship Lyon for Boston. Here he was sorely disappointed at the intolerance practiced, and openly denounced the church at Boston. He went to Plymouth and remained there two years. Perceiving, however, that Church and State were not separate, he left this settlement and sought happiness at Salem. He continued his spiritual denunciations and admonitions but soon learned that freedom of speech and thought were not permitted in this colony either. Having been summoned before the Court on several occasions, he was finally convicted and banished from the colony of Massachusetts.²

¹Eggleston, E., The Beginners of a Nation, 268.

²Carpenter, E.J., Roger Williams, 3-28; Eaton, A., Roger Williams, 3-11; Straus, O.S., Roger Williams, 1-14.

Section Two

Attitude of Roger Williams toward Toleration

Previous to His Coming to New England

A study of Roger Williams reveals that in his religious life he underwent several stages of development. Little is known of his early religious sentiments. But it has been written of him that in his youth he manifested sincere piety and tendency toward religious ideals. As a child of eleven, Roger came under the influence of non-conformist preachers of London and adopted Puritan tenets. In vain did the Williams family endeavor to persuade the erring child from accepting the new views. Tenaciously he held to what he considered right. In his George Fox Digg'd out of His Burrows, written in 1676 he alludes to his childhood conversion. He writes: "The truth is, ... from my Childhood (now above three-score years) the Father of Light and Mercies toucht my Soul with a love to himself, to his only begotten, the true Lord Jesus, to his Holy Scriptures ..." ³ Evidently his parents were religious people who brought up their children in the fear of God and taught them to study and revere the Bible.

In the midst of reckless pastimes and social ferment which pervaded England at the time, Roger Williams became sensitive to the cross-currents of English thought and life. While pursuing his studies at Cambridge, he came in contact with persons of radical religious and political ideas. The atmosphere there was permeated with and agitated by ecclesiastical and political liberalism. Into Cambridge there had been long emigrating from Holland, Anabaptists and Mennonites imbued with the idea of severance

³ Williams, Roger, Narragansett Club Publications, V.1.

of Church and State. These combined influences served to shape his later career. Possessed of a temperament fond of agitation, he joined in the religious and political discussions and finally chose to follow the protests of the Puritans and reformers under the leadership of Sir Edward Coke and Sir John Eliot who opposed the church policy of Bishop Laud and of the followers of the king.⁴

A change in his religious views is likewise apparent in 1627 when he signed the "Subscription Book", thereby acknowledging acceptance of the Anglican faith. As a consequence of this act he became a Puritan Anglican.⁵ After receiving his A.B. degree from Pembroke, Cambridge, he prepared more specifically for church work. His studies in religion turned him against the state Church. Discontented with the political and religious atmosphere of Cambridge under the reforming zeal of William Laud, he left Pembroke at the end of the sixth term and entered holy orders about December, 1628.⁶

To his great satisfaction the Masham household at Otes engaged him as chaplain in January, 1629. Here he found himself in the midst of liberal Puritan society, at the center of the political and religious protest which was fomenting in England and disturbing her very foundation. It was here during his chaplaincy that he fell in love with Jane Whalley, the niece of Lady Joan Barrington, both of the Masham household. But Lady Joan disapproved his courtship with her niece. Realizing her displeasure, he sent her ladyship a "paper deputie" in which he alluded to his pecuniary circumstances,

⁴Ernst, J., Roger Williams, New England Firebrand, 31; Carpenter, Roger Williams, 28-30.

⁵January, 1627.

⁶Carpenter, op.cit., 13-14; Ernst, op.cit., 31-35.

his tender conscience, his call to New England,⁷ and his love for her niece. Her ladyship, however, refused his suit. Thereupon, the disappointed lover sent her another letter reminding Lady Barrington to probe her conscience predicting her an unhappy end lest she repent.⁸ It is not difficult to conjecture that this acrid reproof greatly angered Lady Barrington. "Shortly after, she became gravely ill and removed to Harrow for a health cure. She left the priory without forgiving him for the over-zealous interest in her eternal welfare. With her went Jane Whalley, removing her thereby from the vicinity of Otes and her distracted lover."⁹

After this episode Mr. Williams obtained a small parish at High Laver County, Essex, but at the same time rendered services to the Mashams as chaplain.¹⁰ His residence in Essex gained for him the reputation of being "divinely mad". "In this manner did the overheated zeal vent itself in the said Mr. Williams, of whom they were wont to say in Essex, where he lived, that he was divinely mad."¹¹ Shortly after his removal from Otes, Williams fell ill. Sir William Masham took a great interest in the chaplain and had him nursed back to health. Writing to Lady Joan, Sir William endeavored to secure forgiveness for Roger Williams from the vindictive lady: "Mr. Williams

⁷During a meeting at Sempringham the Massachusetts Bay Company had given him an invitation to go to New England to plant the Gospel there.

⁸New England Historical and Genealogical Register (July, 1889), Vol. 43, 316-20.

⁹Ernst, J., Op.cit., 46.

¹⁰Ernst, J., Political Thought of Roger Williams, 4.

¹¹In Hubbard's General History of New England, quoted by Carpenter, Roger Williams, 22.

hath been ill of a fever," he informed her, "... A kind word from you would refresh him in this his weak state."¹² But Lady Joan was not ready to forgive. In the lingering days of his recovery, he divided his time between the company of Mary Bernard, "Jug" Altham's maid,¹³ with whom he fell in love, and his books which developed in him a new aspect toward religion. His sickness, then, brought about two changes in his life: a change in his affections toward Jane Whalley, and a change in his spiritual outlook. From his sickbed he arose a semi-Separatist in religion and a lover of Mary Bernard, the maid of Lady Masham's daughter, whom he married December 15, 1629. To the great joy of the Mashams, Lady Barrington now received Williams into her former favor.¹⁴

Within a year Williams again changed his religious views from that of a semi-Separatist to that of a rigid or extreme Separatist. Bishop Laud who held jurisdiction in Essex endeavored with ardent zeal to blot out Puritanism and Sectarianism from the established Church. Anyone who preached against the new church ceremonies or his reform was "suspended, silenced, and imprisoned". Mr. Williams in his dissent attacked the Book of Common Prayer, the new ceremonies, and Laud's reform in general. Thereby he attracted the attention of the bishop, who was on the alert for active Separatists. There was nothing left for Williams but to go to New England. Hurriedly he fled

¹² Ernst, Roger Williams New England Firebrand, 47.

¹³ The daughter of Lady Masham whose first husband had been Sir James Altham of Marks Hall.

¹⁴ Ernst, op.cit., 48-53.

across the country on horseback feeling "bitter as death".¹⁵

His letter to Mrs. Anne Sadlier, daughter of Sir Edward Coke, shows the grief he suffered on being banished from England:

My much honored friend, that man of honor and wisdom and piety, your dear father ... was often pleased to call me his son; and truly it was as bitter as death to me when Bishop Laud pursued me out of this land, and my conscience was persuaded against the national church and ceremonies and bishops, beyond the conscience of your dear father. I say it was as bitter as death to me, when I rode Windsorway, to take ship at Bristow and saw Stoke House, where the blessed man was, and I durst not acquaint him with my conscience and my flight.¹⁶

In March, 1671, he wrote to John Cotton of Plymouth:

He God knows what gains and preferments I have refused in universities, city, county, and court in old England ... to keep my soul undefiled in this point and not to act with a doubting conscience.¹⁷

Up to this point his biographers make no mention of Roger Williams' intention of leaving England. His purpose, therefore, was to escape the wrath of Laud, the bishop who was hunting him down. He did not want to face the punishment meted out to Doctor Leighton,¹⁸ just before Williams' banishment from England. He meant to put a sea between himself and a thing so hateful.

¹⁵Strickland, A.B., The Apostle, Roger Williams, Prophet and Pioneer of Soul-Liberty, 7.

¹⁶"The Sadlier Letters", Narragansett Club Publications, VI, 239.

¹⁷Ibid., 356.

¹⁸Neal's History of Puritans gives the facts relative to the punishment meted out to him: He was to be committed to the prison of the Fleet for life, pay a £ 10,000 fine, be degraded from ministry, brought to the pillory and publicly whipped, then tortured several times, and finally branded in the face with a double S.

Section Three

Attitude of Roger Williams toward Religious Toleration

Prior to His Banishment from Massachusetts

Down to 1630 Roger Williams had gone through at least four stages in his religious development. At the age of eleven he was converted to Puritanism by dissenting preachers of London; in January, 1627, he signed the Subscription Book indicating that he was a Puritan Anglican; in 1629, after arguing with John Cotton and Thomas Hooker, he became a semi-Separatist; in December, 1631, at the time of Laud's persecution, he was an extreme Separatist.

Separatists were no longer tolerated in England. Consequently, Williams was forced to choose between banishment and imprisonment. Deciding to follow an invitation previously received from New England, he and his wife embarked on the ship Lyon at Bristol to begin a new life in the New World. John Winthrop records the landing in his Journal under date of February 5, 1631: "The ship Lyon, Mr. William Peirce, master, arrived at Nantasket. She brought Mr. Williams, (a godly minister) with his wife, ..."19

Soon after his arrival, Williams was chosen to take the place of John Wilson, as teacher at the Boston church, but refused on the ground of conscience. Upon examination of the religious policy of the members of this church, he found them an "unseparated people" whom he dared not officiate. This information may be gleaned from a letter written to John Cotton, Jr.,

19 Winthrop's Journal, I, 57.

20 "Letter to Rev. John Cotton, Jr.," Narragansett Club Pub., VI.

March 25, 1671: "... being unanimously chosen teacher at Boston, ... I conscientiously refused, and withdrew to Plymouth, because I durst not officiate an unseparated people, as upon examination and conference, I found them to be."²⁰

More specifically he refused the teachership for two reasons: first, the Boston church still held communion with the Church of England; second, the magistrates exercised the right of punishing infractions of the First Table of the Decalogue.²¹ He demanded that the Boston church renounce definitely all "communion with the Anglican Church, publicly repent for ever having held such communion, and forbid its members when visiting in England to attend Anglican worship."²² These revolutionary ideas startled the magistrates and elders. Thus his stay in Boston was brief and stormy.

He was then invited to Salem to succeed Francis Higginson as teacher. He accepted the position on April 12, 1631, and soon became popular because of his eloquence. His unsettled spirit, however, found reasons for complaint. He renewed his attack on the Boston church and the policy of applying civil power in spiritual affairs; he openly denied the validity of land-titles proceeding from the Massachusetts government. Thereupon Winthrop and his assistants remonstrated with Salem for accepting Williams without seeking council from Boston. It is to Winthrop's Journal that we are indebted for the account of this event:

²⁰"Letter to Rev. John Cotton, Jr.," Narragansett Club Pub., VI.

²¹Tyler, L.G., England in America, 213.

²²Schneider, H.W., The Puritan Mind, 54.

At a court holden at Boston, ... a letter was written from the court to Mr. Endicott to this effect: That whereas Mr. Williams had refused to join with the congregation at Boston because they would not make a public declaration of their repentance for having communion with the churches of England, while they lived there; and, besides, had declared his opinion, that the magistrate might not punish the breach of the Sabbath, nor any other offence, as it was a breach of the first table; therefore, they marvelled they would choose him without advising with the council; and withal desiring him, that they would forbear to proceed till they had conferred about it.²³

Williams continued uncompromising in his opposition. The authorities, on the other hand, persisted in denouncing his attitude. Under these conditions it was impossible for him to work in harmony with the founders of Massachusetts. A few months later he left Salem for the more congenial atmosphere of Plymouth,²⁴ where his peculiar views were indulged. He was admitted as member of the church, and for two years administered to the people in the capacity of a teacher.²⁵

In his history of Plymouth, Gov. Bradford very properly describes him as "a man godly and zealous having many precious parts, but very unsettled in judgment."²⁶ Bradford's chronicles plainly attest that Williams did not gain a reputation for largeness of vision among his brethren at Plymouth. He notes:

Mr. Roger Williams ... came over first to Massachusetts, but upon some discontente left ye place and came hither, ... and his teaching well approved, for ye benefite whereof I still blese God, and am thankfull to him, even for his sharpest admonitions and reproofs, so farr

²³Winthrop's Journal, I, 62.

²⁴The inhabitants of Plymouth were Pilgrims independent of the church of England.

²⁵Tyler, op.cit., 213; Ernst, Roger Williams New England Firebrand, 65-67.

²⁶Bradford, Wm., History of Plymouth Plantation, 299.

as they agreed with truth. He this year begane to fall into some strong opinions, and from opinion to practise; which caused some controversie betweene ye church & him, and in ye end some discontente on his parte, by occasion whereof he left them something abruptly. Yet afterwards sued for his dismission to ye church of Salem which was granted. But soone fell into more ther, ... for a time ye church here went under some hard censure by his occasion, ... But he is to be pitied and prayed for, and so I shall leave ye matter, and desire ye Lord to shew him his cross, and reduce him into ye way of truth, and give him settled judgment and constencie in ye same for I hope he belongs to ye Lord: and yet he will shew him mercie."²⁷

Here again it is apparent that Williams was a radical and that independence in religion was an obsession with him. Evidently, he could not adjust his angular views to the accepted opinion of any community. The excerpt taken from Bradford shows, moreover, that Williams was rash and headstrong, lacking that consideration for the opinion of presumably wiser and older persons. It must be said in his favor, however, that he did not attack individuals of the colony for their views; but vehemently attacked the civil principles and church polity held and practiced in Boston and the other towns of the colony.

In August, 1633, he returned to Salem as assistant to Mr. Skelton, the pastor. The spirit of controversy which had before displayed itself as a trait in his character did not long remain in abeyance. In the same year he joined Mr. Skelton in taking exception to a minister's meeting which had been established by the pastors and teachers of the churches of the Bay; he feared that "it might grow in time, to a presbytery, or superintendency, to the prejudice of the churches' liberties".²⁸ The attack on the association

²⁷ Ibid., 310-11.

²⁸ Winthrop's Journal I, 113.

appears to be the first muttering of the storm that was to follow. While at Plymouth he had written a treatise on land titles. In this essay he charged King James with telling "a solemn public lie" and with blasphemy; to Charles I he applied three passages of the Revelation.²⁹ When Winthrop asked the offender to retract, he drew from him a repentant reply. Less than a year after this episode Roger Williams again openly denounced the royal patent by which the colonists claimed their right to the soil. Hardly had he dropped the discussion of the validity of the king's patent, when he spoke against the use of the cross of St. George on the English flag and the theocratic form of government. In 1635 new accusations were laid to his charge. Briefly stated they were: "that the magistrate ought not to punish the breach of the first table ... that he ought not to tender an oath to an unregenerate man; that a man ought not to give thanks after sacraments nor after meats, etc. and that the other churches were about to write to the church of Salem to admonish him of these errors; notwithstanding the church had since called him to the office of a teacher."³⁰

Nothing resulted from these charges. In March, 1635, he again excited the wrath of the government. Then his scruples took the shape of objections to a recent legislation requiring every resident to swear to defend the provincial charter. Williams openly denied the right of a magistrate to demand an oath of an "unregenerate man", "for that we thereby have communion with a wicked man in the worship of God, and cause him to take the name of God in vain."³¹

²⁹Winthrop's Journal I, 116-17.

³⁰Ibid., 154.

³¹Ibid., 149.

Accordingly, Williams was summoned to Boston and subjected to confutation by the minister, but positive action was deferred. The General Court which met in July, 1635, entered an order against the Salem church for electing Roger Williams teacher. This action was construed as contempt on the part of Williams and the Salem church. Affairs were drawing to a crisis. The Salem church wrote a letter to all other churches complaining against the injustice and extreme oppression of the magistrates. Williams notified his own church that he refused to commune with them lest they declined to confer with the other churches of the colony since he considered them "full of anti-christian pollution".³²

When the General Court met in September, it ordered Williams to appear in October. He was offered a month's respite or immediate disputation. He chose the latter. In the course of the dispute Mr. Hooker went over points of argument with Williams but failed to convince him of his errors.³³ On the day following this event, the Court passed sentence on Roger Williams. He was ordered to depart from Massachusetts within six weeks. On his return to Salem, he found that his own church had yielded to the demands of the General Court and deserted him.

Mr. Williams and his friends next petitioned the General Court to permit him to remain at Salem until spring because of the near approach of winter and because of his broken health. The request was granted but an injunction was laid upon him not "to go about to draw others to his opinion".³⁴

³²Winthrop's Journal, I, 162-63.

³³Ibid.

³⁴Ibid.; Staples, Wm.R., Annals of the Town of Providence, 16.

Although under sentence of banishment, he continued to hold religious meetings privately in his home. To these exercises only such persons were admitted as adhered to his views.³⁵ The number soon increased to twenty. His wife was excluded from these secret ministries because she persisted in attending the services of the Salem church.³⁶ In these meetings the dangerous opinions for which he was under sentence were discussed. His opinions were contagious; the infection spread widely. It was, therefore, resolved to remove him to England in a ship that was just ready to sail. Accordingly, in January, 1636, a warrant was sent to him to come to Boston and embark. He persisted that it would be dangerous for him to make the journey on account of his health. People of Salem went to Boston on his behalf. Authorities, nevertheless, sent Captain Underhill to bring Williams by sea in a shallop. But three days before the captain arrived, Williams followed the advice of Winthrop and quietly left Salem.³⁷ In a letter written to Major Mason he relates that for fourteen weeks he wandered in the wilderness, harbored and sheltered by the Indians. He reached a place called Seekonk, and, procuring a grant of land from Massasoit, at Manton's neck on Seekonk river, "began to build and plant there".³⁸ In the spring of 1636 he crossed this river and was then on territory outside of the English claim. He named the place Providence.³⁹

³⁵ Williams refused communion with those members of the Salem church who had abandoned his principles.

³⁶ Mather, Cotton, Magnalia Christi Americana, II, 495-99.

³⁷ Winthrop's Journal, I, 168.

³⁸ Mr. Williams received a letter from Gov. Winslow of Plymouth who informed him that the new plantation was within the limits covered by the Plymouth patent.

³⁹ Narragansett Club Pub., VI, 335.

The study of the career of Roger Williams in Plymouth and Massachusetts Bay brings to light that intense love for controversy and argument was the outstanding trait in his character. This trait dominated him so completely that neither his own well-being nor that of the public could check his impetuosity. Evidently he became a menace to the colony.

The consideration of the circumstances that culminated in his banishment, leads to the conclusion that it was not his love for religious liberty or even his belief in his theological doctrines which caused the General Court to take action, but rather his persistence in promulgating his doctrines and religious opinions which the authorities of Massachusetts considered detrimental and dangerous to the public at large. Thus far, then, it appears that it was the political rather than the religious aspect of the case that precipitated the final rupture between him and the Massachusetts colony.

Furthermore, it is during this period that we find evidence of the fact that he showed no leaning toward religious freedom, but indicated an avowed spirit of intolerance; to illustrate: he persuaded Governor Endicott to cut the cross from the military colors of St. George on the ground that it was an idolatrous and popish sign.⁴⁰ He refused to have anything to do with the Anglican church and declared it "no true church at all". Likewise, he declined the invitation to join the Boston church because it held communion with the Church of England. He preached sermons against the use of ceremonies and symbols claiming they came from popery. He urged his people

⁴⁰Winthrop's Journal, I, 149.

not to pray with unregenerates, though they be members of their own families. When his own church at Salem refused to renounce communion with its neighbor churches, he renounced it.⁴¹ Finally, in 1635 he openly expressed his opposition to compulsory church attendance.

Section Four

Attitude of Roger Williams Toward Toleration

After His Founding of Providence

The founding of Providence in the spring of 1636 marks the beginning of a more constructive period in the life of Roger Williams. His purpose in founding Rhode Island, as he himself writes, was twofold: first, to do good among the natives: "My soul's desire was to do the Natives good,"⁴² and second, to establish a place where everyone might enjoy his religious convictions without molestation. "I desired it might be for a shelter for persons distressed for conscience. ... I communicated my said purchase unto my loving friends, who then desired to take shelter with me."⁴³ This twofold purpose is likewise expressed in a letter written to John Winthrop in 1636.

I having made covenant of peaceable neighborhood with all the sachems and natives round about us, and having, of a sense of God's merciful Providence unto me in my distress, called the place Providence, I desired it might be for a shelter for persons distressed for conscience.⁴⁴

⁴¹Schneider, op.cit., 54-55.

⁴²Chapin, Howard, Documentary History of Rhode Island, I, 3.

⁴³Narragansett Club Publications, VI, 3; Chapin, op.cit., I, 5.

⁴⁴Ibid., I, 33.

From these extracts it appears that Williams intended his colony to be a refuge for all, regardless of their religious views. These first settlers, however, had no authority to establish a government. They were, therefore, in a situation similar to that of the Pilgrims when they landed at Plymouth. Like the Pilgrims, they drew up a plantation covenant promising to subject themselves to laws and regulations made by the majority of householders.⁴⁵ Within two years the number of refugees increased. Thereupon the first agreement was copied and signed by those whose names did not appear on the original. It reads:

We whose names are hereunder, desirous to inhabit in the town of Providence, do promise to subject ourselves in active or passive obedience, to all such orders or agreements as shall be made for the public good of the body, in an orderly way, by the major assent of the present inhabitants, master of families, incorporated together into a townfellowship and such others whom they shall admit unto the same, only in civil things.⁴⁶

This simple instrument, stamping the principles of a pure democracy and of unrestricted religious liberty, formed the basis of the first government in Providence. It bears the impress of the character of Roger Williams and was the germ of free institutions in Rhode Island. The phrase, "civil things" only, is evidently an indication of the resolution of the signers to enforce freedom of conscience and separation of Church and State. This liberal principle induced individuals to settle in Providence. So tenaciously was it held that one of the citizens, named Verin, who refused to allow his wife to attend church meetings as often as she was called, was

⁴⁵ Andrews, Charles, The Fathers of New England, 48.

⁴⁶ Staples, William R., Annals of the Town of Providence, 39.

disfranchised by Williams and the other members of the town meeting. In their opinion Verin had restrained liberty of conscience. William Arnold, espousing the cause of Verin at the trial, resented the decision. At the end of the trial he arose, records Winthrop in his Journal, and declared the verdict "was against their own order, for Verin did that he did out of conscience; and their order was, that no man should be censured for his conscience."⁴⁷ If we accept Arnold's opinion, the Verin trial serves as an illustration of incompatibility in Roger Williams' theory and practice of religious toleration.

As to his religious sentiments at this period, William appears somewhat unsettled. From a staunch separatist he had become a seeker,⁴⁸ renouncing fellowship with all New England churches and declaring that all so-called Christian churches were, since Apostolic times, heretic. He "fell off from his Ministry, and then from all Church-fellowship ... and from all Ordinances of Christ dispensed in any Churchway", says John Cotton, "till God shall stirre up himselfe or some other new Apostles."⁴⁹

Shortly after his settlement of Providence, Roger Williams became interested in a new creed promulgated by a voluntary exile, Ezekiel Holliman. He and Mrs. Scott, a sister to Anne Hutchinson, impressed upon Mr. Williams the doctrines embodied in the tenets of the Anabaptists, especially the sentiment which discarded the validity of infant baptism. He embraced the new religion, and, as Winthrop records, was rebaptized by Holliman. Thereupon

⁴⁷ Winthrop's Journal I, 287.

⁴⁸ He became a seeker in August, 1635.

⁴⁹ "John Cotton's Answer to Roger Williams" in Narragansett Club Pub., II, 1, 11.

"Mr. Williams rebaptized Holliman and some ten more."⁵⁰

Dissatisfied, he continued his search in weariness and sorrow, and according to Winthrop, "he was come to deny his second baptism, not being able to derive the authority of it from the apostles, ... so as he conceived God would raise up some apostolic power. Therefore he bent himself that way, expecting ... to become an apostle."⁵¹

Cotton Mather, in his Magnalia Christi Americana, explains this spiritual change in a similar manner. He writes that Williams and his followers first renounced their infant baptism and were rebaptized. Then, declaring the power of administering baptism belonged to the apostles alone, Williams proclaimed their second baptism invalid and suggested that his followers wait for the coming of new apostles. They dissolved themselves, accordingly, "and became that sort of sect which we term seekers, keeping to that one principle 'that everyone should have the liberty to worship God according to the light of his own conscience', but owning of no true churches or ordinances now in the world."⁵² Thus Williams became a real seeker, seeking evidently the way to lost "Zion".

He expected, says Winthrop, "to become an Apostle";⁵³ he was "a meer Weather-Cock", says Coddington, "Constant only in Unconsistency".⁵⁴ John Cotton dubs him "the most prodigious Minister of Exorbitant Novelties

⁵⁰Winthrop's Journal, I, 297.

⁵¹Ibid., I, 309.

⁵²Mather, Cotton, Magnalia Christi Americana, II, 498; Morton, W., "Foundation of Rhode Island" - Source Book of American History, 54.

⁵³Winthrop's Journal, I, 309.

⁵⁴In George Fox, New England Firebrand Quenched, quoted by Henry Dexter in As to Roger Williams, 82.

in New England" and "a haberdasher of small Questions against the Power".⁵⁵

These statements made by his contemporaries, his own expressions thus far cited, and his treatment of the colonists of Rhode Island, explain vaguely the attitude of Roger Williams toward toleration. His writings, however, are far more enlightening, since they set forth the principle of toleration as he conceived it. His concept of religious liberty is best seen in his Bloody Tenent of Persecution. In this work Williams purposes to vindicate his plan of church freedom, as against the prevailing New England system, and discusses the great principle of toleration in answer to a letter from his old antagonist, John Cotton. The naive circumstance out of which this work grew adds to its interest and value.

A prisoner, confined in Newgate because of his religious opinions, wrote a treatise⁵⁶ against persecution. Being deprived of paper and ink, he wrote the treatise with milk⁵⁷ on paper which his friend had made into stoppers for the milk bottles containing his daily allowance.⁵⁸ After its publication, 1635, this essay was sent to John Cotton of Boston for his consideration. Cotton wrote a reply quoting Scripture for the justification of persecution. This reply was sent to Mr. Williams by a Congregational minister, Mr. Hall, and it gave rise to the book significantly called The Bloody Tenent of Persecution.⁵⁹

⁵⁵Fox, George, Ibid., 82.

⁵⁶"An Humble Supplication to the King's Majesty for the Cause of Conscience".

⁵⁷Upon the application of heat these writings became legible.

⁵⁸Williams, Roger, The Bloody Tenent of Persecution, xxx-xxxi.

⁵⁹Ibid., 189.

With clear logic Williams shaped his ideas on religious liberty and carried them forward in convincing and forcible language. The book, divided into two parts, is written in the form of a dialogue between Truth and Peace. The first part represents an account of the argument over Cotton's doctrine of Persecution; the second deals with a discussion of the treatise known as the "Model of Church and Civil Power", supposed to have been written by John Cotton and "Sent to the Church of Salem as a further Confirmation of the Bloody Doctrine of Persecution".

In general the work embodies strong arguments, showing that Williams held that neither laws nor civil magistrates should have authority over a man's soul, and that Christ did not favor nor require persecutions for the sake of religion. Pregnant scriptural passages proposed against the doctrine of persecution for the cause of conscience are dispersed throughout. He holds and proves that all civil states in their respective constitutions and administrations together with their officers are essentially civil, and, therefore, not judges, governors, or defenders of the spiritual or christian state and worship. He maintains that God does not require that uniformity of religion be enacted and enforced in any civil state; for, he continues, in holding an enforced uniformity of religion in a civil state, we must necessarily disclaim our desires and hopes of the conversion of the Jews to Christ. Nevertheless, he says, a firm and lasting peace in a state can be secured only when permission of consciences and worship, other than the state professes, is granted.⁶⁰

The Bloody Tenent found its way to John Cotton. In 1647, three

⁶⁰Williams, Roger, Ibid., 1-3.

years after its publication, he wrote a reply bearing the title, The Tenent Washed and Made White in the Blood of the Lamb. Mr. Cotton upheld the right and duty of civil magistrates to interfere for the promotion of truth and the suppression of error. To this work Williams wrote a rejoinder published in England in 1652. He called it The Bloody Tenent, yet more Bloody, by Mr. Cotton's Endeavor to Wash it White in the Blood of the Lamb. The topics treated in this rejoinder are principally: the nature of persecution; the power of the civil sword in spirituals examined; and the parliament's permission of dissenting consciences justified. The appendix of the book consists of an address to the "Clergie of the foure great Parties (professing the Name of Christ Jesus), in England, Scotland, and Ireland, viz., The Popish, Prelaticall, Presbyterian and Independent." The four denominations, he writes,

have torn the seamless coate of the Son of God into four pieces, and, to say nothing of former Times and Tearings, you foure have torne the three Nations into thousands of pieces and Distractions. The two former of you, the Popish and (Protestant) prelaticall, are Brethren; so are the latter, the Presbyterian and the Independent. But, oh, how Rara est, etc.⁶¹

Williams pleads with these denominations for regard of one another's conscience.⁶² Like The Bloody Tenent Discussed, the body of the work is written in the form of a conference between Truth and Peace and discusses the same great questions and maintains the same views on religious toleration and separation of Church and State with additional arguments and illustrations.

His next publications appeared in 1652. The one entitled

⁶¹Roger Williams, "The Bloody Tenent Yet More Bloody" in Narragansett Club Publications, IV, 519.

⁶²Ibid., 190-202.

Experiments of Spiritual Life and Health, and their Preservatives,⁶³ urges goodness and helpfulness toward all men, especially those of the household of faith. The other was published a month later with the title, The Hireling Ministry None of Christ's, or a Discourse Touching the Propagating the Gospel of Christ Jesus. The chief object of this tract was to oppose the legal establishment of religion and compulsory support of the clergy. He argues that there is now no ministry authorized to preach or to exercise pastoral functions. The author had stated these views in his Bloody Tenent; here he expands them more fully. He contends that there ought to be perfect liberty for all men to worship as they please.

I desire not that liberty to myself, which I would not freely and impartially weigh out all the consciences of the world beside. And, therefore, I do humbly conceive, that it is the will of the Most High, and the express and absolute duty of the civil powers to proclaim an absolute freedom in all the three nations, yea, in all the world, (were their power so large) that each town and division of people, yea, and each person may freely enjoy what worship, what ministry, what maintenance to afford them, their soul desireth.⁶⁴

Williams summarizes his views in the last part of the tract. As to separation of Church and State, he writes:

The civil state is bound, before God, to take off the bond and yoke of soul oppression (the national establishment) and to proclaim free and impartial liberty to all the people of the three nations, to choose and maintain what worship and ministry their souls and consciences are persuaded of.⁶⁵

A further direct appeal in behalf of toleration made by Roger

⁶³This pamphlet is in the form of a letter addressed to his wife who was recovering from a dangerous sickness.

⁶⁴In Roger Williams, The Hireling Ministry None of Christ's, or A Discourse Touching the Propagating the Gospel of Christ Jesus, quoted by J. Knowles in Memoir of Roger Williams, 380.

⁶⁵Ibid., 18.

Williams is found in "The Explanatory Testimony" to A Fourth Paper Presented by Major Butler. His plea for religious liberty is pronounced in this excerpt:

Oh, that it would please the Father of Spirits to affect the heart of the Parliament with such a merciful sense of the Soul-Bars and Yokes which our Fathers have laid upon the neck of this Nation and at last to proclaim a true and absolute Soul-freedom to all people of the Land impartially; so that no person be forced to pray nor pay, otherwise than as his Soul believeth and consenteth.⁶⁶

He also argues for the readmission of the Jews to England:

I humbly conceive it to be the Duty of the Civil Magistrate to break down that superstitious wall of separation (as to Civil things) between us Gentiles and the Jews, and freely (without their asking) to make way for their free and peaceable Habitation among us.⁶⁷

The works of Roger Williams so far considered were written while he was in England. No doubt, the unsettled condition of religion and politics in that country offered him ample opportunity to air his views. Indeed, he utilized every opportunity given him there to discuss the nature of religious freedom. Returning to Rhode Island in the summer of 1654, he determined to carry out his principles, but found that a more urgent task lay before him. The several towns, stimulated by reason of jealousy, had to be reconciled. Accordingly, he addressed a conciliatory letter to the citizens of Providence, in which he recounted the labors he had performed and the sacrifices he had made for their benefit, and for which he "reaped nothing but grief and sorrow and bitterness".⁶⁸

⁶⁶The Fourth Paper Presented by Major Butler with Other Papers Edited and Published by Roger Williams in London 1652, 17.

⁶⁷Ibid., 18.

⁶⁸Straus, Oscar, Roger Williams, 185-86; Romeo Elton, Life of Roger Williams,

The letter had the desired effect. On August 31 representatives from the various towns of the province met and agreed upon articles of union which reestablished the government on its old foundation. After its reorganization an election was held in which Roger Williams was chosen president of the colony. His administration was beset with many difficulties. Turbulent spirits, uneasy and impatient under the restraint of law and order, caused not a little trouble.⁶⁹ In one instance an individual sent and circulated a seditious paper among the inhabitants of Providence, affirming "that it was blood-guiltiness and against the rule of the gospel, to execute judgment upon transgressors against the private or public weal."⁷⁰ As a retort Williams addressed a letter to the town in which he restated his principles of civil and religious liberty. Explicitly he denied that he had ever given the slightest sanction to principles hostile to civil peace and the dictates of reason and scripture. "That I should speak or write a tittle that tends to such an infinite liberty of conscience, is a mistake, and which I have ever disclaimed and abhorred."⁷¹ He goes on to show that liberty of conscience is consistent with restraints of civil government. In the last part of this letter he explains his idea of religious liberty by means of an allegory. He sees the various denominations in a ship, allows each one to worship in his own way, then adds,

I never denied, that notwithstanding this liberty, the commander of this ship ought to command the ship's course, yea, and also command that justice, peace and sobriety be kept and practiced both among the seamen and all the passengers ...

⁶⁹ Straus, op.cit., 186-91; Elton, op.cit., 111.

⁷⁰ "Letters of Roger Williams", Narragansett Club Publications, VI, 278.

⁷¹ Ibid., 278.

Further,

If any refuse to obey the common laws ... or if any should preach or write that there ought to be no commanders or officers, because all are equal in Christ ... I say, I never denied but in such cases ... the commander ... may punish such transgressors ... ⁷²

Comparing this view with those he had expressed in his earlier writings, we recognize a marked change in his attitude. His former theories declared that if an individual considered a civil right a matter of conscience, this right was to be upheld. Evidently, as Roger Williams advanced in years, his views on religious liberty became clearer.

He manifested his attitude toward religious toleration not only in his writings, but also in his dealings with the people of Rhode Island. The more important cases which occurred during the last period of his life, give us a better insight into the manner in which he carried out his principles. In the Harris case of 1656, for example, Mr. Williams assumed a position toward Harris similar to that which the magistrates of Boston had taken toward him in 1635. Mr. Harris published a book, setting forth his views of religious freedom. Williams, however, believed that these views would ultimately disturb the peace of the colony, and therefore, condemned the work. Harris wrote: "... he that can say that it is his conscience, ought not to yield subjection to any human order among men."⁷³ Williams regarded this manifestation a form of treason against the authorities of England and the colony, and issued a warrant for the arrest of Harris.

The warrant recites, whereas Harris had published to all the towns of the colony writings containing his notorious defiance to the authority of the Protector, and also because of

⁷²"Letters of Roger Williams", Narragansett Club Pub., VI, 278.

⁷³ Straus, Roger Williams, 196.

his notorious attempt to draw the subjects of the colony into a traitorous renouncing of their allegiance, and because openly in face of the court he declared himself resolved to maintain these said writings with his blood, that his arrest is ordered, and he be brought before the next general court for trial.⁷⁴

The next General Assembly, which met in Newport, May, 1657, could not deal with the case because of the absence of his accusers. An adjourned session held in Warwick on July 4 took up the case. During the trial Harris read a copy of his book upon which the indictment was based, while Williams read the accusations. A committee was appointed to report what action should be taken. It suggested that the matter be referred to England and Harris give bond for good behavior until the results should reach the colony. England, however, never considered the case and the accusation against Harris was prosecuted no further.⁷⁵ Commenting on this affair, his biographer, Oscar Straus, writes that

Williams, by reason of this prosecution of Harris, has been charged with inconsistency, with violating the principles of religious liberty, and with indorsing the action of the magistrates of Massachusetts in their banishment of him ... It needs no argument to disprove this claim.⁷⁶

Henry M. Dexter, author of As to Roger Williams, makes this charge, saying:

Whether the matter of this book were any more treasonable, in itself, as an onslaught upon human order amongst men; or any more dangerous in its probable influence upon the Colony of Rhode Island ... in 1657, than Mr. Williams's own 'treatise' against the Patent, and his other teachings, had been almost a quarter of a century before in the Bay - since neither of them have come down to us - must remain matter of conjecture. It will not be hard, I think, however, to conclude that in his treatment of Mr. Harris, and in the temper which he manifested towards him, Mr. Williams badly

⁷⁴Straus, op.cit., 197; Carpenter, Roger Williams, 233; Elton, Life of Roger Williams, 282.

⁷⁵Straus, op.cit., 198

⁷⁶Ibid., 198.

blotted his own character, while making it forevermore impossible even for his special apologists to deny that he therein endorsed the treatment which had been meted to himself by Massachusetts.⁷⁷

His attitude in practice is again revealed in his treatment of the Quakers. The coming of the Quakers is coincident with the Harris affair. Disregarding the fact that most of the colonies were closed to the Quakers, Roger Williams permitted their admittance into Providence. Under his direction, too, the General Assembly forwarded a letter to the English government asking it to aid Rhode Island in upholding her principle of liberty.⁷⁸

He did not, however, agree with the Quakers in their peculiar doctrines and practices. He regarded their tenets as unscriptural and injurious to Christianity and good morals. But having a mania for controversy, he attacked them notwithstanding his advanced age. He plunged once more into a dispute which was certain to draw down much odium upon him. For the last time in his life he entered the arena of controversy with George Fox, the exponent of the doctrines of the Quakers. In 1671 and 1672 George Fox was visiting in Rhode Island. Impressed by the attention and excitement among the inhabitants caused by the leader's visit, Williams carefully reread Fox's book, The Great Mystery of the Great Whore Unfolded; and Anti-Christ's Kingdom Revealed unto Destruction. His spirit was aroused and he determined to challenge Fox to a doctrinal disputation. To this end he prepared fourteen propositions, which affirmed that the principles of the Quakers were unscriptural and pernicious. The challenge and propositions were sent to Fox and to "all comers", but failed to reach the leader. He had already left for

⁷⁷ Dexter, Henry, As to Roger Williams, 94-95.

⁷⁸ Hazard, Caroline, The Narragansett Friends Meeting in the XVIII Century; With a Chapter on Quakers' Beginnings in Rhode Island, 9-16.

England. Three of his followers, however, accepted the challenge. John Stubs, John Burnyeat, and William Edmundson opened the discussion at Newport and continued it at Providence where it terminated after four days.⁷⁹ During the debate Williams displayed not only an acrimonious spirit in the use of harsh and abusive terms and epithets, but manifested such uncharitableness, savoring of intolerance, as to belie much for which he had argued in former years: that none should be disturbed for the cause of conscience. Mr. Williams published an account of the debate in 1676. The full title of it is, George Fox Digg'd out of His Burrowes; or an Offer of Disputation on Fourteen Proposals Made This Last Summer 1672 (so-called) unto George Fox then Present on Rhode Island in New England. The body of this work contains an interesting account of the dispute, and a long, tedious examination of numerous points of doctrine which Mr. Fox and his friends maintained. Mr. Williams went so far as to condemn the use of the terms Thee and Thou to superiors as uncivil, and declared further that "a due and moderate restraint and punishment for these incivilities (though pretending conscience)" were not to be considered persecution (properly so called).⁸⁰

The Quakers considered this custom a matter of conscience; Williams undoubtedly regarded it with contempt, declaring it an offence against civil decorum which should be punished as such. Evidently, Mr. Williams did not reason on this point with the perspicuity one might expect. This controversy with the Quakers marks the last public incident on record which manifests his attitude toward religious toleration. After this episode, the biographer

⁷⁹Carpenter, op.cit., 231-36; Straus, op.cit., 220, 319-20; Elton, op.cit., 125-27; "George Fox Digg'd Out of His Burrows", Narragansett Club Pub., V.

⁸⁰Carpenter, op.cit., 200.

Knowles writes that he held public religious meetings until the close of his life. He died about 1683.⁸¹

These accounts as well as his writings are an index to the character of the man. His biographer, Edmund J. Carpenter, writes of him:

By a disputatious nature he tried often the patience of his dearest friends, while yet his spirit was so sweet and his temper so even, that he never forfeited their personal affection. His nature was not that of a self-seeker; ... yet throughout his writings, he does not fail to call attention, upon every suitable occasion, to his own sufferings and sacrifices, lest due credit and sympathy should be withheld from him. He is at times denunciatory of others and - especially as regards George Fox - intolerant of opinions at variance with his own, and still he is quick to deprecate similar conduct in others.⁸²

The study of the life and writings of Roger Williams brings to light the fact that he gave no evidence of an attitude toward religious liberty until after 1635. His ideas on this subject were not fully developed until he had taken up his residence in Rhode Island. With no one about him here who differed essentially from him in his views, and no conditions present to provoke controversy, his mind was free to project his notions on religious freedom. Further, the compact which he drew up with the first citizens shows that the settlers were to be free in all religious matters. However, his attitude towards toleration was complex. He maintained that no human power had the right to interfere in matters of conscience, and that no civil authority could prescribe a form of worship;

⁸¹Knowles, Memoir of Roger Williams, 327.

⁸²Carpenter, op.cit., 244.

yet, it cannot be denied that his writings bear marks of inconsistencies, while an atmosphere of bigotry pervades both his life and his promulgations.

Evidently, his faults were such as spring from an ardent and excitable temperament. Nevertheless, he was magnanimous and benevolent, patient in suffering, and persevering in hardships. History records him and posterity acknowledges him as one of the great men of our colonial days, who laid the foundation for the future greatness of the United States.

CHAPTER II
RELIGIOUS TOLERATION IN RHODE ISLAND
DURING THE 17th CENTURY

Section One

Religious Toleration in Rhode Island, 1636-1643

Freedom is a natural right of man; oppression is contrary to his very nature. Hence, man seeks the one and flees the other. When our forefathers felt the hand of oppression in their mother country, they sought the cherished gift of freedom in America. The persecuted Puritans and Pilgrims looked toward Massachusetts for liberty. But even here, when their religious ideas differed from those of their brethren, they experienced intolerance and therefore felt constrained to remove to a place where the standard of liberty could be unfurled and they could live unmolested from persecution. Such a place was the colony, known today as Rhode Island, founded by Roger Williams in 1636. William Harris, John Smith, Francis Wickes, Thomas Angell, and Joshua Verin were among the original settlers of the first colony of Rhode Island, then called Providence. Their number was soon increased by new immigrants from Plymouth and Massachusetts.¹ A town government based on democratic principles was soon established; this colony was to be a commonwealth where all civil power should be exercised by the people alone and where God should be the only ruler over conscience.² Due to the scarcity of

¹Staples, Wm. R., Annals of the Town of Providence, V, 21; Chapin, H. D., Documentary History of Rhode Island, I, 11.

²Knowles, James D., Memoir of Roger Williams, 111.

early records, it is only with difficulty that reliable facts can be secured relating to toleration as it existed from the very beginning in Rhode Island. In the Annals of the Town of Providence the date of the first entry is June 16, (1636). There are two entries under this date; neither of them, however, refers to toleration or religious liberty.³ The next record under date is that of August 13. "It contains an order, altering a previous law, not recorded, (which required every person to be propounded one month before he could be received into the town,) so that upon urgent necessity, a special meeting could be called, and a person received after standing propounded for three or four days".⁴ These entries together with one referring to the "Inhabitants incorporated", and another referring to town-meetings are the only recorded articles of the first year. They are found on the first page of the town records.

From this information we may infer that by June 16, 1636, the heads of families had been incorporated into a town-fellowship. The social mechanism at Providence in 1636 is explained in a letter written to John Winthrop. The letter, moreover, bears evidence that Roger Williams had tentatively determined on forming a democracy, compacted by mutual agreement of its members, similar to the organization formed by the Mayflower compact. Significant quotations confirm this fact -

The condition of myself and those few families here planting with me, you know full well: we have no Patent: nor doth the face of Magistracy suit with our present condition. Hitherto, the masters of families have ordinarily met once a fortnight and consulted about our common peace, watch

³Staples, Annals of the Town of Providence, V, 21.

⁴Ibid., 22.

and planting; and mutual consent hath finished all matters with speed and peace.⁵

Next, Roger Williams mentions that certain young men who had been admitted as inhabitants and had promised to obey the orders made by consent of the householders were discontented and sought equality and freedom of vote. He feels the necessity of forming a kind of agreement and asks the advice of Winthrop concerning the subject matter of the compact. It reads:

We whose names are hereunder written ... will from time to time subject ourselves in active or passive obedience to such orders and agreements, as shall be made by the greater number of the present householders, and such as shall be hereafter admitted by their consent into the same privilege...⁶

Two inferences may be drawn from the contents of this letter.

First, the inhabitants adopted the foregoing compact, and second, Williams had probably determined on a political organization from which ecclesiastical power should be wholly excluded; for, in a copy of the compact found in the records of the "second year of the Plantations" - an important phrase which eliminated all civil authorities had been added. The signers of this compact agreed to submit only in civil things,⁷ and the signers must have been the "second comers", for Roger Williams' name is not on the second document. Moreover, among those that subscribed the covenants there are only two names, Thomas Angell and Francis Wickes, who were first settlers but minors in 1636. The omission of the names of the original settlers and the subscription of the new names point to the fact that this was a subsequent agreement, and not the first.

⁵"Letters of Roger Williams" in Narragansett Club Pub., VI, 4.

⁶Ibid., VI, 5.

⁷Staples, op.cit., 39; Chapin, Documentary History of Rhode Island, I, 97.

Commenting on the compact containing the phrase "only in civil things", Staples says:

It is worthy of remark, that the signers of this instrument, submit "only in civil things". That there existed some kind of an agreement between the first settlers "masters of families" is apparent from the terms of these articles. They are referred to as a town, as "incorporated together into a town fellowship".⁸

Contrary to the inference just drawn from the letter of Williams to Winthrop that Roger Williams had not at this time determined upon exclusion of ecclesiastical power from political organization, the same author writes:

It is equally certain that the first agreement, whether in writing or not, provided for obedience "in civil things only", otherwise this would not have been so guarded.⁹

In testimony he refers to a passage in Winthrop's Journal.¹⁰ He [Winthrop] says: "at their first coming thither, Mr. Williams and the rest did make an order that no man should be molested for his conscience." Then Staples continues: "Here ... was established a christian community based upon the great principles of perfect religious liberty."¹¹

The first passage alluding to religious liberty is to be found among the entries of the second year of the Plantation. It states that on the 21st of May a vote was taken to disfranchise one of the members of the town. "Joshua Verin, for breach of covenant in restraining liberty of conscience, shall be withheld the liberty of voting, till he declare the contrary".¹² Although the records of the first and second years contain no provision for religious toleration, Roger Williams states in some of his

⁸Staples, op.cit., 39.

⁹Ibid., 39.

¹⁰Winthrop's Journal, I, 286-87.

¹¹Staples, op.cit., 40.

¹²Ibid., 23.

later letters that he had designed his colony for such as were seeking liberty of conscience. One of these letters written in 1677 gives the following information concerning early toleration:

... Wm. H. [Harris] Pretending Religion, wearied me with desires, that I should admit him and others into fellowship of my purchase. I yielded and agreed that the place should be for such as were destitute (especially for Conscience sake). ...¹³

On the 6th of December, 1661, a committee was appointed to procure from Mr. Williams a deed of the first purchase of Providence. The part of the deed that expresses the purpose of his purchase reads:

I designed it might be for a shelter for persons distressed for conscience. I then considering the condition of divers of my distressed countrymen, I communicated my said purchase to my loving friends ... and others who then desired to take shelter here with me. ...¹⁴

This section of the deed bears a close connection to Roger Williams' undated letter of August or September, 1636, to John Winthrop. In this letter Roger Williams relates that he had purchased the place at his own charge; that with their consent the settlers paid 30 shillings apiece as they came; that he had made no covenant with any other person. Then he seeks advice as to whether or not it would be expedient to prevent from membership persons of whom he could not approve. "My quaere is this", he writes,

Whither I may not lawfully desire this of my neighbours, that as I freely subiect my selfe to common consent, & shall not bring in any person into the towne without their consent; so allso that against my consent no person be violently brought in and receaued.¹⁵

¹³Chapin, op.cit., I, 24-25.

¹⁴Staples, op.cit., 30.

¹⁵Chapin, op.cit., I, 26.

These political ideas indicate, on the one hand, that Williams made the social contract the basis of his civil polity, on the other, they lead us to question his broad policy of toleration. We are inclined to ask whether he did not advocate toleration with reservations.

During the early period of its history, the Providence colony grew constantly. Arbitrary measures following the expulsion of Anne Hutchinson and her adherents drove many others from Massachusetts. Some of these exiles came to Providence, not because they approved of Roger Williams' idea of government - separation of Church and State - but because they could enjoy religious worship free from restraint. The colony was emerging from a crude little settlement into a community of more importance by a constant influx of immigrants, and it became necessary to organize a more definite and compact form of government than the agreement referred to between the original settlers and these "newcomers". The immediate occasion for this more definitely regulated organization was the boundary dispute which arose between two original settlements, Pawtuxet¹⁶ and Providence, which formed the town of Providence.¹⁷ A committee was appointed to consider these difficulties, to adjust them, and to draw up a form of government for the town. It reported its results on June 5, 1640, in the form of twelve articles. They contained general but clear and definite provisions on the subject of liberty of conscience. The last part of article one reads: "We agree, as formerly hath been the liberties of the town, so still to hold forth, liberty of

¹⁶In 1638 Roger Williams entered into an agreement with twelve settlers giving them a portion of Providence for their own use. This portion was named Pawtuxet. - Agreement of Roger Williams quoted in Staples, Annals, 576-77.

¹⁷Straus, Oscar, Roger Williams, the Pioneer of Religious Liberty, 103-108.

conscience".¹⁸ These twelve articles form the last record of a provision pertaining to toleration found in the annals of Providence before the charter of 1643 was secured.

Providence, however, was not the only colony that had separated from Massachusetts for the purpose of obtaining religious liberty. As early as 1637-1638 a settlement independent of Massachusetts was made in the neighborhood of Providence.¹⁹ In Massachusetts Mrs. Anne Hutchinson taught doctrines contrary to those held by orthodox Puritan ministers.²⁰ She was tried, found guilty, and sentenced to be banished. Rev. Mr. Wheelright, her brother-in-law, who espoused her cause publicly, was also banished. Their followers were known as Antimonians.²¹ In the autumn of 1637 the General Court of Massachusetts passed laws against them. Under the leadership of Clarke and Coddington, several Antimonians journeyed to Providence where they were kindly received. Through the intervention of Williams and Sir Henry Vane, they purchased the Island of Aquidneck and laid the foundation of a new town, called Pocasset, later Portsmouth, near the north end of the Island.²²

On the 7th of March, 1637-8, Mr. Clarke and seventeen others incorporated themselves into a body politic and chose Mr. Coddington their leader.

¹⁸Staples, op.cit., 41.

¹⁹Richman, I.B., Rhode Island, Its Making and Its Unmaking, I, 118-128.

²⁰Mrs. Hutchinson and her followers maintained the doctrine of an inward light - justification by faith as distinguished from justification by works. They claimed to be "under a covenant of grace", while she denounced those opposed as being "under a covenant of works". Straus, R.W., 87.

²¹This name by usage signifies - without the help of law.

²²Callender, John, An Historical Discourse on the Civil and Religious Affairs of the Colony of Rhode Island, IV, 83-88; Richman, Rhode Island, I, 60, 117.

The agreement was entered into without any legal authority, but they sought a patent immediately and secured one a few years later.²³ A copy of the original compact is in place here:

We whose names are underwritten do here solemnly, in the presence of JEHOVAH, incorporate ourselves into a body politic, and as he shall help, will submit our persons, lives, and estates, unto our Lord Jesus Christ, the King of kings and Lord of lords, and to all those perfect and most absolute laws of his, given us in his holy word of truth to be guided and judged thereby.²⁴

The first act passed under this form is dated 3d month, 13th day, 1638, and relates to the admission of freemen. It stipulates that "none shall be received as inhabitants or freemen, to build or plant upon the Island, but such as shall be received in by the consent of the body, and do submit to the government that is or shall be established according to the word of God."²⁵ The phraseology of this compact bears evidence that this section of Rhode Island was for Christians only. This fact is brought out by Mr. Arnold:

So prominent indeed is the religious character of this instrument that it has by some been considered, although erroneously, as being itself 'a church covenant, which also embodied a civil compact'.²⁶

He writes further,

That their object was to lay the foundation of a Christian State, where all who bore the name might worship God according to the dictates of conscience, untrammelled by written articles of faith, and unawed by the civil power, is proved by their declarations and by their subsequent conduct.²⁷

²³Callender, op.cit., 84-86.

²⁴Ibid., IV, 212-13.

²⁵Ibid., 213.

²⁶Arnold, S.G., History of the State of Rhode Island and Providence Plantations, I, 125.

²⁷Ibid., 125.

Many of the leading men were imbued with the Puritan spirit acquired during their long residence in Massachusetts, and sympathized more with the law than with liberty as yet in its embryo state. This Puritan spirit was foreshadowed in the language of the compact and its existence was displayed very early.

Up to this time Pocasset, it will be noticed, was exteriorly theocratic "in which the kernel of democracy lay latent".²⁸ Apparently, the new commonwealth was a theocracy of the most absolute type. But on January 2, 1639, the founders modified their so-called constitution by giving the free-men a negative in some form upon the acts of the Judge and Elders. Had they denied the inhabitants this privilege, it would have indicated that the Antimonians were setting up a polity for themselves at Aquidneck, as inconsistent and reactionary as had been that of the Puritans, the victims of persecution in England, when they set up a form of polity in America.²⁹

"The colony had now so greatly increased that a division was deemed expedient."³⁰ A meeting was held and an agreement entered into by various members of the Pocasset government "to propagate a Plantation in the midst of the Island or elsewhere".³¹ Accordingly, Mr. Clarke with several others moved to the southern part of the Island and organized a settlement to which he gave the name Newport. It seems but reasonable to presume that their course in separating from their brethren was dictated by the natural

²⁸Richman, op.cit., 120.

²⁹Arnold, op.cit., I, 132.

³⁰Ibid., I, 132.

³¹Ibid., I, 132.

incompatibility at Pocasset (Portsmouth) between a growing radicalism and their own conservatism. Governor Winthrop substantiates this presumption in an allusion recorded May 11, 1639:

At Aquiday the people grew very tumultuous, and put out Mr. Coddington and the other three magistrates, and chose Mr. William Hutchinson only, ... who had been the beginner of all the former troubles in the country, and still continued to breed disturbance.³²

The record further indicates that although religious tolerance was advocated even in their statutes, the inhabitants were apparently intolerant among themselves, and that the colony of Newport consequently was an outgrowth of religious intolerance in Pocasset. In the same record we read: [At Aquiday: Pocasset and Newport] "they also gathered a church in a very disordered way"³³.

About 1640 the two communities on the Island were again united. The desire for a free charter, seriously entertained by the people, contributed largely to effect a union, and the fact that the title to the lands of Aquidneck was vested in a company some of whom resided at Pocasset³⁴ and others at Newport, also formed a strong underlying bond.³⁵ This step was of paramount importance, for the union signified an overthrow of the theocratic idea and, as will be seen from the action of the General Court, the mastery of the democratic idea. The nature of the government was defined in these remarkable words:

It was ordered and unanimously agreed upon, that the government which this body politic doth attend unto in this Island and the jurisdiction thereof, in favor of our Prince

³²Winthrop's Journal, I, 299.

³³Ibid., I, 299.

³⁴At this particular time the name Pocasset was changed to Portsmouth. - Richman, I, 137.

³⁵Richman, op.cit., I, 135.

is a DEMOCRACY or popular government, (that is to say) it is in the power of the body of freemen, ... to make or constitute just laws ... and to depute from among themselves such ministers as shall see them faithfully executed between man and man.³⁶

Not less remarkable was another article passed at the same time:³⁷

It was further ordered by the authority of this present Court, that no one be accounted a delinquent for DOCTRINE, provided it be not directly repugnant to the government or laws established.³⁸

Religious liberty was here set forth in very definite and clear terms. During these years, however, novel ideas arose, and new sects were established. It was inevitable that heresies should abound in this community. We are indebted to Winthrop's Journal for the facts that reveal the prevailing temper of the times. The Governor writes:

Mrs. Hutchinson and those of Aquiday Island broached new heresies every year. Divers of them turned professed anabaptists, and would not wear any arms, and denied all magistracy among Christians, and maintained that there were no churches since those founded by the apostles and evangelists, nor could any be, nor any pastors ordained, nor seals administered but by such, and that the church was to wait these all the time she continued in the wilderness as yet she was.³⁹

Again:

Other troubles arose in the island by reason of one Nicholas Easton, a tanner, a man very bold, though ignorant. He using to teach at Newport, where Mr. Coddington their governor lived, maintained that man hath no power or will in himself, but as he is acted by God, and that seeing God filled all things, nothing could be or move but by him, and so he must needs be the author of sin. ... Being showed what

³⁶Callender, op.cit., 213.

³⁷The General Court of Election passed both articles March 16, 1641.

³⁸Callender, op.cit., IV, 213.

³⁹Winthrop's Journal, II, 39.

blasphemous consequences would follow hereupon, they professed to abhor the consequences. ... There joined with Nicholas Easton, Mr. Coddington, Mr. Coggeshall, and some others, but their minister, Mr. Clark, and Mr. Lenthall, and Mr. Harding, and some others dissented and publicly opposed, whereby it grew to such heat of contention, that it made a schism among them.⁴⁰

In the face of these difficulties, the people of Aquidneck passed a famous act, September 17, 1641. It stipulated "... that the law of the last Court, made concerning liberty of conscience in point of doctrine, is perpetuated."⁴¹

In this account we have advanced beyond an event which claims our attention. South of Providence a fourth colony was established. Its founder was a person whose career holds a conspicuous place in the history of toleration in Rhode Island. In 1637 Samuel Gorton was banished from Plymouth, Massachusetts, for his radical ideas about government and religion. He fled to Newport where his contentions caused a breach between that town and Portsmouth. He then tried Portsmouth; here he was found intolerable and was, in consequence, flogged and banished.⁴²

The contempt expressed by Gorton for the government of Aquidneck as being self-constituted, is of sufficient explanation of the source whence his troubles arose. ... He says he conducted himself 'obediently to the government of Plimouth, so farre as it became me at least, for I understood that they had commission wherein authoritie was derived, ... but Rhode Island at that time had none, therefore no authoritie legally derived to deale with me. ... I thought my selfe as fitt and able to governe my selfe and family, as any that were then upon Rhode Island.'⁴³

After his banishment from Portsmouth, Gorton betook himself to Providence.

⁴⁰Winthrop's Journal, II, 41.

⁴¹Callender, op.cit., IV, 214.

⁴²Straus, Roger Williams, 146-53.

⁴³Arnold, Rhode Island, 169.

But here, too, he proved himself a disturber. Roger Williams disapproved of his civil as well as religious opinions. Evidence of this fact is given in the letter of Roger Williams to John Winthrop in which he describes Gorton as

bewitching and bemadding poore Providence, both with his uncleane and foule censures of all the Ministers of this Country, ... and also denying all visible and externall Ordinances in depth of Familisme, against which I have little disputed and written, and shall (the most High assisting) to death: As Paul said of Asia, I of Providence (almost). All such in his poyson, as at first they did at Aquednick. Some few and my selfe withstand his Inhabitation, and Towne-priviledges. ... Yet the tyde is too strong against us.⁴⁴

Gorton's disorderly course in Providence was such as to prevent his admission as a townsman. William Arnold then one of the Disposers of Providence, to whom such applications were referred, writes: "... it is evident and may easily bee proved, that the said Samuel Gorton nor his Company are not fit persons to bee received in, and made members of such a body ..." ⁴⁵ Arnold enumerates several reasons for his refusal to admit Gorton. Among them we find: that Gorton had "shewed himselfe a railing and turbulent person, not onely in and against those states of Government from whence hee came, as is to bee proved; but also here in this Towne since hee have sojourned here". Later Gorton removed south to Pawtuxet and was joined by a number of persons who had been disfranchised at Newport on account of their attachment to him and his doctrines. Several leading citizens of Providence, however, headed by William Arnold, presented a petition to Massachusetts to assist them against the "archheretic" Gorton.⁴⁶ Toleration was not supported by Providence authorities in this case.

⁴⁴ Narragansett Club Pub., VI, 142-43; Chapin, Doc. Hist. of Rhode Island, I, 128.

⁴⁵ Chapin, op.cit., I, 129.

⁴⁶ Ibid., I, 129; 133-34; Arnold, op.cit., I, 174-75.

Anticipating trouble with Massachusetts, Gorton moved south to Shawomet. But molestation haunted him and his followers. Thereupon he went to England and laid his grievances before the Board of Commissioners of Parliament and received a title to Shawomet from the Earl of Warwick.⁴⁷ This account of the Gorton case bears evidence of the truth that in and about Narragansett Bay there were limitations to the exercise of tolerance.

Under the accumulation of such provoking circumstances it is no wonder that the Island governments, Portsmouth and Newport, considered the advisability of securing a charter which would give the colony a legal status and command for the Island greater respect from other colonies. Roger Williams was commissioned for the task. "It is not even known what ... was done by the people of Providence toward authorizing Williams to represent them, along with the people of Aquidneck, in a joint application to the English Government."⁴⁸ Nevertheless, his acquaintance and intimacy with Vane who sided with the Antimonians while he resided in Massachusetts, made Roger Williams a desirable representative for the three communities concerned. The Assembly of Aquidneck met at Newport, September 19, 1642, and instructed a committee to secure a charter from Parliament. Mr. Williams persuaded Providence to join in the project. At first John Clarke and Mr. Easton were to open negotiations for a charter by letters to Henry Vane. The three towns commissioned Roger Williams to go to England as their agent to procure a charter in person. Their choice of him was influenced by his diplomatic

⁴⁷Richman, op.cit., I, 112-17.

⁴⁸Ibid., I, 148-49.

skill, his personal friendship with the leading members of Parliament, and his acquaintance with the Commissioners of the Colonies.⁴⁹

Section Two

Religious Toleration in Rhode Island, 1643-1663

In 1643 Roger Williams was sent to England as agent to solicit a charter for the three colonies of Narragansett Bay. On the 17th of March of the following year, a free and absolute charter was granted as the "Incorporation of Providence Plantations in Narragansett Bay in New England."⁵⁰ The meaning and legal standing of this document is exceedingly vague. The patent begins with the recital of the appointment of Commissioners and the incorporation of the three towns, Providence, Portsmouth, and Newport under the title mentioned above. It then proceeds to invest the inhabitants with

full power and authority to govern and rule themselves and such others as shall hereafter inhabit within any part of the said tract of land, by such a form of civil government as by voluntary consent of all or the greatest part of them, shall be found most serviceable in their estates and condition; and to that end, to make and ordain such civil laws and constitutions, ... as they or the greatest part of them, shall by free consent agree unto. Provided, ... that the said laws ... of the said plantation, be conformable to the laws of England, so far as the nature and constitution of that place will admit.⁵¹

These provisions challenge the institutional definiteness of the patent.

Analyzing them, one readily perceives the restraint placed on the legislature

⁴⁹Ernst, J.E., Roger Williams, New England Firebrand, 219.

⁵⁰Callender, Historical Discourse, IV, 221-25.

⁵¹Ibid., IV, 223-25.

in the provision allowing the civil government to make only such laws as are conformable to those of England. The next clause, however, modifies this restriction. Legislation need conform with that of England only in so far as the nature of the place will admit. No mention or indirect allusion is made to religion. But the use of the word "civil" preceding the terms government and laws implies that political matters only are referred to in the patent. The absence of any term that might be construed as referring to religion was most advantageous to the colony in so far as it limited the powers of the General Assembly to civil concerns. The document as such was a broad and liberal instrument. However, it was not received as joyfully as had been anticipated. The settlements were torn by feuds, divisions, contentions, and dissensions. These were not confined to one place, but permeated each settlement and were often individual in their character. The Verin episode marked the beginning of dissensions; they continued in a variety of forms. Moreover, the towns were honey-combed by religious Secretaries.⁵²

Cotton Mather gives a vivid sketch of Providence filled with callumies of Antimonians, Familists, Anabaptists, Anti-Sabbatarians, Arminians, Soconians, and Ranters; everything in the world but Roman Catholics and Christians; so that if a man had lost his religion, he might find it at this general muster of Opinionists'. Warwick and Aquidneck Island could boast a like variety of Secretaries, cranks, and erratic individuals.⁵³

The existence of these contentions and dissensions may perhaps account for the delay in the acceptance of the charter. In May, 1647, the obstruction to the organization of the government of the colony of Providence

⁵²Carpenter, Roger Williams, 194.

⁵³Ernst, Roger Williams, New England Firebrand, 270.

Plantations, under the charter were so far removed that a meeting of a committee from each of the four principal settlements could be held. At this time the charter was adopted.⁵⁴ In the same month (May 19, 1647) the General Assembly established a code of laws which declared the Providence Plantations a democracy and legally supported the principle of liberty of conscience.⁵⁵

Notwithstanding the organization of the colony government, contentions and feuds continued. Then Roger Williams with his brother and other prominent men resorted to an expedient which they hoped would prove successful. Edmund Carpenter, a biographer of Williams, relates this experiment. He tells us that Williams so earnestly desired to restore peace and harmony that he with his brother Robert and other prominent men signed an agreement that they would conduct themselves as orderly as the cause would permit and further, "if any of us should fly out in provoking, scurrilous, or exorbitant speeches or unsuitable behavior",⁵⁶ the violator should be publicly declared branded and recorded as a violator and disturber of the union, peace and liberties of the plantation.⁵⁷

The agreement effected nothing since every individual was left free as before to decide not only on his own acts but on his neighbors' as well. Disturbances became so great that a few years later Sir Henry Vane interposed and wrote a letter to the people of the colony exhorting them to peacefulness and charity toward one another.⁵⁸

⁵⁴ Staples, Annals, V, 58-63.

⁵⁵ Ibid., V, 65-67; Callender, Historical Discourse, IV, 228-30.

⁵⁶ Staples, op.cit., 70.

⁵⁷ Carpenter, op.cit., 194.

⁵⁸ Ibid., 195; Staples, Annals, V, 98-99; Arnold, Rhode Island, I, 248.

Despite the care of the colony to avoid all legislation that could in any way affect liberty of conscience, several complaints were presented to the Assembly, September 1, 1654, against "ye incivilitie of persons exercised upon ye first day of ye weeke, which is offensive to divers amongst us." The legislature made no law but referred the case to the individual towns, suggesting that they appoint other days on which servants and children might recreate.⁵⁹

The Annals of Rhode Island record another instance which illustrates her principle of religious liberty. It refers to an answer of the General Assembly to New England Commissioners who urged the president of Rhode Island to join them in persecuting the Quakers. They decidedly refused to take part on the ground that according to their charter freedom of conscience was to be protected.⁶⁰ Later the commissioners urged them in stronger terms, but again the Assembly refused, saying: "As concerning these quakers (so called) which are now among us, we have no law whereby to punish any for only declaring by words, etc., their minds and understandings concerning the things and ways of God, as to salvation and an eternal condition."⁶¹ To show further that the Assembly firmly held to its principle, a committee was appointed November 5, 1658, to direct a letter to Mr. Clarke, who was then in England, for the purpose of having the Charter of 1643-4 confirmed, asking him to plead their cause, that "they may not be compelled to exercise any civil power over men's consciences."⁶²

⁵⁹Ibid., I, 252.

⁶⁰Elton, Life of Roger Williams, 116.

⁶¹Ibid., 116.

⁶²Ibid., 117.

Such provisions as these reflect great credit upon Rhode Island.

But now the question arises: Did practical toleration really prevail in Rhode Island or was the toleration in Rhode Island a matter of theory only? Reverend Edward Peterson has written an interesting monograph on the history of Rhode Island. His answer to this question is that though Roger Williams fled from Massachusetts as a result of persecution, he was intolerant toward the Quakers. He maintains, moreover, that it is on record that Roger Williams favored the measure advocated by the United Colonies to use compulsion toward the Quakers. He also holds that it was the people of Portsmouth, that disowned all connection in such arbitrary actions towards their brethren.⁶³ As a further evidence of intolerance the author cites an estimate of Roger Williams by Richard Scott, a Quaker who had been neighbor to Williams for thirty-eight years. Scott says that "he was unsettled in his opinions, that which took most with him was, to get honor amongst men. ... Though he professed liberty of conscience, and was so zealous for it at the first coming home of the charter, that nothing in government must be acted till that was granted, yet he could be the forwardest to persecute against those that could not join with him in it."⁶⁴

Apart from these examples there are no outstanding events recorded in the history of Rhode Island which give evidence that practical toleration existed there during this period. The charter granted by the King of England July 8, 1663, opened a new period in the history of Rhode Island. It contains an expressed provision relating to soul liberty.

⁶³Peterson, Rev. E., History of Rhode Island, 50.

⁶⁴Ibid., 50.

Section Three

Religious Toleration in Rhode Island, 1663-1700

The Patent of 1643 had been granted to Rhode Island by the Long Parliament whose acts were annulled on the restoration of the Stuarts. In 1651 Dr. John Clarke and Roger Williams had been commissioned to procure a renewal of the privileges of their patent from Charles II. Through his tact, untiring efforts, and indefatigable exertions, John Clarke obtained the desired instrument in July 8, 1663.

The document was most liberal, containing, as it did, enlarged civil and religious principles. The charter reviewed the purpose of the coming of the Puritans to America, their reason for migrating into other parts, the address of the colony in which they expressed their ardent desire "to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, ... with a full liberty in religious concerns." The grant in the charter, was in effect, that no person shall be "molested, punished, disquieted or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony."⁶⁵

This instrument exempted the colonists of Rhode Island from any such laws of the realm of England as would conflict with the nature of the place and people in Rhode Island. It placed them exactly where their original compact and charter of 1643 left them, with no laws to regulate their religious faith or practice. The new charter made provision for the

⁶⁵Callender, Historical Discourse, IV, 242-43.

appointment of the first governor and assistants, one of whom was Roger Williams.

When the Assembly met under the new government, it passed several laws intended for the good of the colony. According to the assertion of Chalmers, chief clerk in the Plantation of Office in England, the General Assembly enacted on March 1, 1663-4 "that all men professing christianity, of competent estates and of civil conversation, who acknowledge and are obedient to the civil magistrates, though of different judgments in religious affairs, Roman catholics only excepted, shall be admitted freemen, or may choose or be chosen colonial officers."⁶⁶ That this law was ever enacted is denied by various writers, Arnold, Elton, Knowles, and others. They maintain that the law excluding Roman Catholics could not have been enacted in 1664. For such an act would have been a violation of the charter and an offence to the king who was endeavoring to secure toleration for Catholics in England just at this particular time. But this law is recorded in statute books of 1783 as having been passed in the seventeenth century. Those who deny the fact of its ever having been enacted, attribute its existence in the records to a revising committee which, prompted by a desire to please the government in England,⁶⁷ might have inserted the phrase disfranchising Catholics at some time subsequent to 1719, but that in practice the law was neglected. As further testimony to disprove the allegation, they bring forth an assertion made by the legislature in May, 1665, that "liberty to all persons as to

⁶⁶In Chalmers, Political Annals, I, ch.11, 276-79 quoted by Elton, Life of Roger Williams, 123; Arnold, Rhode Island, II, 490-91; Knowles, Memoir of Roger Williams, 321.

⁶⁷About this time alarm was created in England at the thought of a reintroduction of popery.

worship of God had been a principle maintained in the colony from the beginning thereof; and it was much in their hearts to preserve the same liberty for ever."⁶⁸ Again, commissioners from England visited the colony in 1665 and reported: "They allow liberty of conscience to all who live civilly; they admit of all religions."⁶⁹ In 1680 the legislature declared: "We leave every man to walk as God persuades his heart; all our people enjoy freedom of conscience."⁷⁰ The disabling clause, however, remained on the statute books until 1783 when it was repealed.⁷¹

Whether or not this law had really been passed, the fact remains that as late as 1695, according to Cotton Mather, no Catholic was registered in the Rhode Island Annals.⁷² Governor Sandford's report of 1680 to the Board of Trade in England, shows that there were no Catholics in the colony: "... but as for Papists we know of none amongst us."⁷³

In the light of these facts one involuntarily raises the question, if Catholics were not molested in Rhode Island despite the disabling clause, what accounts for their absence in this colony since they were not tolerated in other colonies and even persecuted in their own Maryland by the non-Catholics?

The annals of Rhode Island show another act passed during the

⁶⁸Elton, op.cit., 124.

⁶⁹Ibid., 124.

⁷⁰Ibid., 124.

⁷¹Arnold, Rhode Island, II, 490.

⁷²Mather, Cotton, Magnalia, II, 520.

⁷³Arnold, op.cit., II, 490.

latter part of the 17th century. It refers to the outlawing of Quakers who would not bear arms. A statement quoted from Historical Collections, volume five, pages 216-220, signed by Mr. Brinley, reads:

1665. The government and council of Rhode Island ... passed an order for outlawing the people called Quakers, because they would not bear arms, and to seize their estates; but the people in general rose up against these severe orders, and would not suffer it.⁷⁴

Samuel Eddy, for many years Secretary of State in Rhode Island, examined the records of the State with a view to historical information. His conclusions were that Mr. Brinley "is incorrect and impartial". Mr. Eddy admits that the Quakers were involved in a difficulty which aggrieved them. It had its origin in an order of the king of England. The commissioners of the king of England required in his name "that all householders, inhabiting this colony, take an oath of allegiance, the penalty for refusal being a forfeiture of elective franchise". Time and again the Quakers were ordered to yield due obedience to these laws. They refused. They could not bind themselves to conform to military laws. But the colony had no power to dispense with the king's ordinance, and accordingly,⁷⁵ Quakers were disfranchised as well as all others who refused to take the oath. Coddington and Easton, both of whom had become Quakers, appealed to the royal commissioners in 1665. Thereafter, they were again enfranchised. The next year the Assembly enacted a law modifying the announcement of the king which enabled the Quakers to yield to his wishes without violating their own principles.⁷⁶

⁷⁴In Holmes, American Annals, I, 341, quoted by Knowles, Memoir of R.W., 324.

⁷⁵Knowles, Memoir of Roger Williams, 324; Elton, op.cit., 125.

⁷⁶Ibid., 125.

It is hard to believe that the original law passed by Rhode Island was not directed toward the Quakers. For, does not the charter of 1663 state definitely that those inhabitants of Rhode Island who by virtue of private opinion could not take or subscribe the oaths and articles made and established in behalf of the Church of England, and those who differed in opinion in matters of religion were not in any way to be molested, punished, disquieted, or called into question provided they did not disturb the peace of the colony? The charter states, moreover, that "every person may, ... freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concernments, ... any law, statute, or clause therein contained, or to be contained, usage or custom of this realm, to the contrary thereof, in any wise, notwithstanding."⁷⁷

It must be admitted to the credit of the colony of Rhode Island that in the fierce persecution to which the Quakers were submitted from 1657 to 1661, when Charles II forbade their further molestation, she offered a free asylum to the oppressed, and resisted alike the threats and entreaties by which it was sought to force her to repeal her enactments concerning religious freedom. The noble assertions of the authorities of the Island carried great weight, and led persecuted Quakers to seek shelter in such a cherished haven. Their great leader, George Fox, repaired to Rhode Island in 1672 and spent two years disseminating the doctrines of Quakerism and making converts.⁷⁸ Thereupon the Quakers became more influential and numerous in the colony. John Easton, a Quaker, was then acting governor. The

⁷⁷Callender, op.cit., IV, 243-44.

⁷⁸Arnold, op.cit., I, 359-60.

increase of the number of Quakers and the decrease of his followers caused Roger Williams to become inquisitive and led him to expound the doctrine of Quakerism. Finally the sojourn of Fox at Newport furnished him with an occasion for attack on Quakerism. Fox's work, The Great Mystery of the Great Whore Unfolded expressed views leading, as Roger Williams conceived, to a "virtual abrogation of the Divine will."⁷⁹ He maintained, moreover, that these views gave practical illustration at Newport and in Providence by the novel use of "thou" and "thee" and by the obtrusive retention of the hat; and in Salem and Newbury⁸⁰ by the practice of dispensing with all clothing.⁸¹ This book he had read some years prior to the coming of Fox into Rhode Island. Now was his chance to meet Fox in a dialectical combat. As a basis for a public debate he drew up a list of propositions which he intended to present to Mr. Fox. The sudden departure of the Quaker leader led him to open challenge with Fox's lieutenants. In the course of the debate, the leader of "Soul Liberty" declared that a due and moderate restraint and punishment for their incivilities ought to be inflicted on Quakers; and to vindicate himself, added that such restraint and punishment would not be persecution, even though the incivilities were committed under pretence of conscience.⁸²

This episode reveals the fact that although Roger Williams was outwardly tolerant, at heart he was a bigot. Not all of the peculiar customs

⁷⁹ Richman, op.cit., II, 99.

⁸⁰ Deborah Wilson in Salem and Lydia Warwell in Newbury were mentally unbalanced; stated in Richman, II, 98.

⁸¹ Ibid., II, 99.

⁸² Roger Williams, "George Fox Dugged out of His Burrows" in Narragansett Club Pub., V., 306-07; Richman, Rhode Island, II, 99-102; 156-57.

of the Quakers were "incivilities" as Roger Williams interprets them; they formed part of their religion. It must be admitted that in Rhode Island Quakers were given a sanctuary, but was it a peaceful one? Williams was a born fighter, his biographer makes this statement time and again. Catholics and Quakers were placed in the same category in Rhode Island and were consigned to the lake "that burns with fire and brimstone".⁸³

Another denomination that endeavored to find shelter outside of their own country were the Huguenots of France. Having been banished from their native land, numbers of them emigrated to America, and in 1686, some finding their way to New England, settled in Rhode Island, where they could enjoy religious liberty without molestation. Satisfied with a little place called "French Point", later known as Frenchtown, the refugees purchased it. Forty-five families, twenty-five houses, and a church, comprised the settlement. It prospered only a few years when their Protestant neighbors, not being able to bear the French name, persecuted them away.⁸⁴

The intrusions that ultimately broke up the French settlement were commenced by their neighbors on the first summer of their planting. The meadows belonging to them ... were unlawfully mowed and the hay carried off, leaving them without fodder for their cattle.⁸⁵

Complaints were made to Governor Andros who examined the case. He ordered that one-half of the hay be given to needy persons and the other half to

⁸³Ives, J.M., "Roger Williams, Apostle of Religious Bigotry", in Thought, VI, No.3, (December 1931), 489.

⁸⁴Greene, George W., A Short History of Rhode Island, 107.

⁸⁵Arnold, op.cit., I, 503.

French families. Of the whole number of forty-five families who had settled at Frenchtown, two had removed to Boston, the others to New York. But two individuals remained in the colony. These settled at Newport.⁸⁶

The recorded accounts and the illustrations cited above show that from the beginning Rhode Island declared itself in favor of religious toleration. Its laws promulgated this principle at all times. Its actions affected the immigration of the persecuted in Europe and Massachusetts, who looked toward Rhode Island as a place of refuge. However, actual facts prove that while Rhode Island advocated religious toleration even in its early documents, such religious toleration existed as a theory rather than as a general practice.

⁸⁶Ibid., I, 497-98; 503-04; 549; Greene, History of Rhode Island, 107.
(In M.H.C.VII, 182 and R.I.Col.Rec.III, 228.)

CHAPTER III

ATTITUDE OF GEORGE CALVERT TOWARD RELIGIOUS TOLERATION AS REVEALED IN HIS LIFE AND WRITINGS

Section One

Short Sketch of Life of George Calvert

Maryland, founded in 1634, likewise lays claim to the distinction of having been a colony in which religious toleration prevailed in theory and practice from the beginning. But religious liberty in Maryland can hardly be discussed without referring to its founders the Lords Baltimore, George and Cecilius. The former, Sir George Calvert, received the grant of Maryland from Charles I, reigning King of England. He did not live to direct the settlement, but to him is attributed the title of "Projector of Maryland". He provided the plan; his son Cecilius carried it out. At the death of George Calvert, Cecilius became the second Lord Baltimore and first Proprietary of Maryland.

George Calvert, a descendent of a noble and ancient family of that surname in the earldom of Flanders, was born about 1580 near Kiplin in Yorkshire, England. His early boyhood was passed amid stirring scenes of English history. At the age of fourteen his Anglican parents allowed him to enter Trinity College where he obtained a degree of Bachelor of Arts in 1597. Here he acquired a thorough knowledge of Latin, and that familiarity with French, Italian, and Spanish which proved so valuable to him in his future diplomatic service. After his graduation George Calvert amplified his preparation for public life by extended travel in Europe. Here he met Robert Cecil who had been sent by Queen Elizabeth on a special embassy to

the court of Henry IV. On his return to England, Calvert became assistant secretary to Sir Robert and in the same year, 1603, was elected to Parliament from Bossiney, a Cornish borough. Shortly afterwards he married Anne, the daughter of John Mynne of Hertfordshire. In 1605 he received a substantial proof of the prime minister's favor. He was appointed private secretary to the minister Robert Cecil himself, and not long after he was made clerk of the crown of assize and peace in County Clare, Ireland, by the king. This was the first association of Calvert with that kingdom from which he doubtless drew much of the property which enabled him and his son to expend large sums on colonial projects. On the death of his powerful friend, Sir Robert Cecil, in 1612, Calvert was made clerk of the Privy Council. In this position, he became a great favorite of King James and accompanied him on his excursions. Being well acquainted with foreign languages, he was entrusted with the Italian and Spanish correspondence. So faithful was he in the discharge of his duties, that in 1617 the order of knighthood was conferred on him and in 1619 he was advanced to the office of Secretary of State.

In addition to the number of trusts already accorded him, Calvert was appointed one of the commissioners for the office of treasurer. The years 1621 and 1624 found him serving in Parliament as representative of Yorkshire and of the University of Oxford, respectively. Calvert retained his office as Secretary of State until 1624 when he resigned, according to Fuller, because of his religion.

This place he discharged above five years, until he willingly resigned the same 1624. ... He freely confessed himself to the King, That he was then become a Roman Catholick, so that he must be either wanting to his Trust, or violate his Conscience in discharging his office.¹

¹ Fuller, Thomas, The History of the Worthies of England, Part III, 202.

King James evidently appreciated the frankness of his servant; for, adds Fuller:

This his ingenuity so highly affected King James, that he continued him Privy Councillor all his reign ... and soon after created him Lord Baltimore of Baltimore in Ireland.²

The sovereign bestowed many favors on Calvert. It is recorded that James gave him a pension and a grant of land in Ireland. It was during his secretaryship, too, that he was given the patent for Avalon.³ To this effect Fuller writes:

During his being Secretary, he had a Patent to him and his Heirs to be Absolutus Dominus, & Proprietarius, with the Royalties of a Count Palatine of the Providence of Avalon and New-found-Land. A place so named by him in imitation of old Avalon in Somerset-shire, wherein Glassenbury stands; the first-fruits of Christianity in Britain, as the other was in that part of America. Here he built a fair House in Ferry Land, and spent five and twenty thousand pounds in advancing the Plantation thereof. Indeed his publick spirit consulted not his private profits, but the enlargement of Christianity and the Kings Dominions.⁴

After the death of James, Calvert visited this plantation twice. On his second trip to Avalon he took with him his wife and about forty colonists. About 1628 he requested a new grant in a more hospitable climate. His interest in colonization seems to have been keenly alive and these schemes were evidently a favorite speculation of his. As a member of the Virginia Company for more than eleven years, and according to Chalmers, officially one of the Committee of Council for the affairs of the plantations, he had ample opportunity to become familiar with the character of these enterprises. Fully acquainted with the proceedings of the Virginia Company and

² Fuller, Ibid.

³ The patent was granted in 1623.

⁴ Fuller, Worthies of England, 202.

versed in subjects pertaining to colonization, he turned towards Virginia. Accordingly, he visited this settlement in 1628. Historians, such as Bozman and others, say that he was received very ungraciously by the Virginian assembly. He returned to England and pressed his claims for an American principality. In 1632 he received the grant of land from Charles. It embraced the territory north of Virginia and east of the Potomac. Before the charter was granted, Lord Baltimore died, leaving to his son the gift bestowed upon him.⁵

Section Two

Attitude of George Calvert toward Religious Toleration before His Conversion (1624)

In the early part of the seventeenth century the condition of English Catholics was deplorable. They were denied the protection guaranteed by the older Christian laws of the country. They were subjected to cruel persecution and the "rack seldom stood idle in the Tower for all the latter part of Elizabeth's reign".⁶ Nor did the accession of King James I improve matters. He conformed to the established Church. Regarding his own authority, he held that it was presumption and high contempt in a subject to question what a king could do or not do.⁷ Catholics and Puritans could expect little toleration from a king who asserted such claims. The laws

⁵Bozman, John L., History of Maryland, I, 232-260.

Hall, Clayton C., The Lords Baltimore and the Maryland Palatinate, 1-28.

Kennedy, John P., Discourse on Life and Character of George Calvert, 6-45.

Morris, John C., The Lords Baltimore, 6-26.

Steiner, B.C., The First Lord Baltimore and His Colonial Projects, 111-21.

⁶In Hallam's Constitutional History, I, 154, quoted by Russell in Maryland: the Land of Sanctuary, 15-16.

⁷Russell, W.T., Maryland: the Land of Sanctuary, 17.

enacted during the regime of James against recusants plainly show the intolerant spirit that permeated the members of the House of Commons during the period.

The law of 1604, for example, enforced the Statutes of Elizabeth against recusants, Jesuits, and Seminary priests.⁸ In 1605 James permitted the penal laws to be enforced more rigorously against Catholics. As a consequence, between five and six thousand were adjudged Popish recusant convicts. Two thirds of their property was confiscated; they were subjected to immense fines; their personal property, in many instances, was forfeited.⁹ In 1606 an "Act for the better repressing of Popish Recusants" was passed. This act included a number of new penal laws which subjected Catholics to tests, fines, and forfeiture of lands or personal property.¹⁰ An additional law forbade persons to relieve Jesuits and Seminary priests; forbade priests to celebrate Mass; forbade Catholics to exercise an office in the Commonwealth and to seek redress in law; to send their children to foreign seminaries and to educate their children in the Catholic faith; it forbade anyone to buy or sell Popish books, rosaries, catechisms, etc.¹¹

"Under Charles the severity of the persecution was somewhat mitigated, the king being forced thereto by Richelieu."¹² In 1625 Charles agreed to a petition of Parliament according to which recusants were incapacitated for all civil offices, priests were forbidden to celebrate Mass,

⁸ Russell, W.T., Ibid., 513.

⁹ In Gardiner's History of England, I, 224-29, quoted by Russell, Maryland: the Land of Sanctuary, 513.

¹⁰ Ibid., 513-14.

¹¹ Ibid., 514-15.

¹² Ibid., 515.

and the faithful to attend Mass. In 1627 an act was passed by which "anyone sending any child or person abroad to be 'popishly bred' lost all rights in law, could not be Executor ..., could receive no legacy, deed of gift, nor hold any office, was to forfeit all goods and chattels, land and income during life."¹³ The penal laws of 1628 were directed particularly against priests and Jesuits. During the following year, 1629, recusants were prosecuted, monasteries and convents dissolved, teaching and preaching by religious forbidden, Mass interdicted, recusants assigned to state prisons.¹⁴ Such was the sad plight of Catholics living in the early part of the seventeenth century.

During this period of political ferment and religious intolerance in England, George Calvert became the pioneer of religious toleration by illustrating in practice rather than in theory the broad Catholic doctrine that, "however, convinced anyone may be of the truth of his own religion, he may let others live in peace without belonging to it,"¹⁵ and practice toward them the virtues enjoined by the Catholic Church. Lord Baltimore was surrounded by many who were under the ban of persecution. Reverting to his early life, one sees that his environment presented food for contemplation and thought. Had not the vicinity of Kiplin, his birthplace, been the scene of several Catholic historic events? But twenty and a half miles northeast of Kiplin lay Durham consecrated by the monks of Lindisfarne, within the walls of which are to be found the remains of St. Cuthbert. Forty miles southeast of Kiplin was the old town of York, a town claimed as the death

¹³In the Statutes of the Realm, quoted by Russell, 515.

¹⁴In Rushworth, Historical Collections, I, quoted by Russell, 516.

¹⁵Russell, Maryland: the Land of Sanctuary, 21.

place of Emperor Severus and the birthplace of the first Christian Emperor, Constantine.¹⁶ Here, moreover, had lived great families whose religious struggles have been recorded in English history. "Yorkshire in Elizabethan days ... was the seat of Catholic revolts. And, according to the Earl of Sussex, 'there were not ten gentlemen in Yorkshire that did allow approve of her proceedings in the cause of religion'. On the contrary the region was known to be filled with followers of Mary the Queen, and of Mary the Virgin."¹⁷

Whatever may have been the early associations of George Calvert, it is not improbable that he felt the influence and imbibed the teachings of the great families living in the shire. Although the career of George Calvert before his entrance into Trinity College had been quiet and uneventful, still during these years the life of the English people had been marked by important events. Among them was the execution of Mary, Queen of Scots. Calvert witnessed the tragedy. He was introduced into political life at the early age of twenty-three. The decade from the accession of James to the death of Sir Cecil in 1612, represents a period during which Calvert's advancement was steady and certain. Through the influence of his patron, Sir Robert Cecil, he secured honorable appointments from the king. His favor with the powerful Earl of Salisbury laid the foundation of his future advancement. The Earl likewise brought him into favor with the crown. James alluded to him as "a good subject" and "a gentleman of good sufficiency", and after the death of Cecil, the monarch told Calvert that he was a worthy successor of Sir Cecil.¹⁸

¹⁶ Wilhelm, L.W., Sir George Calvert, Baron of Baltimore, 15-16.

¹⁷ Ibid., 17.

¹⁸ Ibid., 24.

The comprehensive view of conditions prevailing in England, Calvert's early environment, his introduction into political life, the religious liberty and personal privileges which he enjoyed, all served to influence his attitude toward religious toleration. In 1610, the year of the accession of Louis XIII, Calvert visited the French court to secure friendly relations with the new king. He did not return to England until 1611.¹⁹ It is not improbable that during his visit in France, he became familiar with the doctrines of religious liberty promulgated by a former chancellor, Michael de L'Hospital. The latter maintained that civil advantages should not be denied to any citizens who obeyed the laws and performed the duties of their country and neighbor, regardless of their religious affiliation.²⁰ In England, too, there was the influence of a former chancellor. Sir Thomas More had advocated religious freedom in his work "Utopia". It seems probable that George Calvert was familiar with this work. Moreover, most friendly relations existed between Father Henry More, a Jesuit, the great-grandson of Sir Thomas More, and the Lord Baltimore. Father More undoubtedly adverted to the story of the Lord High Chancellor and in this way led Calvert to see the necessity of toleration.²¹

Moreover, the acquaintance and friendship with the influential Spanish Count Gondomar, a Catholic, must have influenced Calvert's attitude toward religious toleration. Spain and France rivalled for the favor of the English during this period. It was thought that an alliance with either

¹⁹Ibid., 31

²⁰In Butler's L'Hospital, 28-29, quoted by Russell, 22-23.

²¹Russell, op.cit., 24-27.

country could best be effected by the marriage of Prince Charles, heir to the English crown, with a princess of the respective nation. Calvert believed that Spain would prove the better friend of England and therefore advocated the marriage of Prince Charles to the Infanta Maria of Spain; the majority in Parliament, however, were opposed to this plan. The year 1621 marks the busiest career of Calvert. His voice and pen were kept actively employed at the Council Board and in the House. In the one he advocated stronger alliance with Spain, in the other he was kept busy negotiating treaties with Holland. His biographer, L.W.Wilhelm, believes that at this period Calvert was beginning to feel the influence of the clerical party which finally succeeded in winning him over to its side. Politically, he was evidently becoming a strong advocate of the Spanish Match; personally, he was becoming an advocate of the Spanish religion.²²

The Parliament of 1621 found Calvert representing Yorkshire.²³

On February 14, 1621 the Commons voted a conference for putting into execution laws against the Jesuits and other recusants. The committee consisted of Sir Edward Coke, Secretary Calvert, and others. The message sent to the Lords read:

That the Commons do pray a Conference, concerning joining in Petition by committees of both houses unto his maj. for the better execution of the laws against Jesuits, seminary Priests and Popish Recusants; and this by the Nether House is desired to be with all convenient expedition.²⁴

During this year suspicion fell upon Calvert because of his apparent

²² Wilhelm, Sir George Calvert, 50.

²³ Ibid., 53.

²⁴ Ibid., 57.

favoritism for the Spanish Ambassador Gondomar. In the midst of all these public and private affairs, the Secretary preserved a "calm, unruffled, affable demeanor, the quiet dignity of self-conscious strength and integrity."²⁵ The French Ambassador, Tilliers, has left us a pen picture of Calvert as he knew him at the close of 1621:

He is an honorable, sensible, well-minded man, courteous towards strangers, full of respect towards ambassadors, zealously intent upon the welfare of England; but by reason of all these good qualities entirely without consideration or influence.²⁶

In 1622 the king named Calvert special commissioner to arrest and to punish seminary priests and other recusant clergy who remained in the realm contrary to the law. The results of the investigations have not come down to us. His acceptance of the commission, however, has invited criticism.²⁷ The fact that he accepted the commission and that the results of his investigations are unknown to us, leads us to infer that he must have dealt leniently with the victims.

Calvert reached the zenith of his political career in 1623. His one big ambition was to bring the Spanish Match to a successful conclusion. While the terms of the marriage contract which pertained to religion were aggravating to the English Protestants, they express Calvert's attitude toward religious liberty. In January he wrote a letter to Mr. George Gage, the English agent at Rome, saying: "His Majesty and the Prince have signed all the Articles sent by the Earl of Bristol [from Madrid] and have written to the King of Spain engaging to observe verbatim the last article which

²⁵Ibid., 69.

²⁶Ibid., 69-70.

²⁷Ibid., 77-78.

promises full toleration of Roman Catholics. ..."²⁸

It was Calvert who drew up the marriage treaty. On the occasion of the "Solemn and Royall Entertainment given unto the Spanish Ambassadors at Whitehall,"²⁹ July 20, 1623, he read the proposed articles of the contract in the royal chapel. The concessions therein made to Spain and to Catholics were particularly aggravating to the body of the English people.³⁰

His letter to Conway³¹ written August 2, 1623, on the eve of the expected arrival of the Infanta Maria, shows that though he was not yet a Catholic, he held principles of toleration. Calvert writes that in discussing the marriage treaty with Spanish ambassadors a dispute arose about the mode of pardon of Catholics. "It was devised to include release from all past fines ... wherewith they were charged on ground of religion, and freedom from future molestations. The Ambassadors object to the pardon, as inviting the necessity of persons discovering themselves by applying for it, and as being expensive for the poor and request a Proclamation of Grace to Catholics instead."³² Calvert states further that he opposed the demands of the ambassadors but concludes, "were it not for the noise which a Proclamation would make, he should advise it, as it would be only a suspension, and the fines could be reclaimed with arrears if councils changed."³³ Gondomar's diplomatic tact undoubtedly prevailed upon the Secretary and influenced him

²⁸Ibid., 91.

²⁹Ibid., 86.

³⁰Ibid., 85-87.

³¹A colleague in the State Department

³²Wilhelm, op.cit., 92.

³³Ibid., 92.

in the concessions to be made to Catholics. Calvert did not fail to recognize that Catholics of England were British subjects; consequently, he was willing to relieve them. The Spanish Match subsequently failed and with it the hope of Catholics to secure toleration. The failure of his pet project marks the downfall of Calvert's political life. After February 19, 1624, he frequently absented himself from Parliament on the plea of sickness. A letter dated April, 1624, contains a reference to Calvert's desire to resign. The extract reads: "Sec. Calvert is in ill health and talks of resigning the Secretaryship."³⁴ Other letters likewise indicate his intention to relinquish his office. On February 9, 1625, Calvert tendered his resignation on the ground that he was a Catholic. The step was hastened by the appointment on January 21, 1625, on a commission to try recusants. Instructions were aimed against Baptists, Catholics, and Puritans. The Secretary declined to serve on this commission, assuring James that the duties of the office were incompatible with his religious belief, and he begged the royal approval to retire to private life.³⁵

The English historian Gardiner writes of Calvert's resignation:

"Calvert, who was secretly a convert to the church of Rome, and had long been anxious to escape from the entanglements of office, had laid his secretaryship at the Duke's feet, telling him plainly that he intended to live and die in the religion which he professed."³⁶ The Sloane Manuscripts contain the following passage with reference to Calvert: "And though he had declared

³⁴ Ibid., 104.

³⁵ Ibid., 110.

³⁶ Ibid., 110.

himself a Roman Catholique his majesty ordered him to be continued a Privie Councillor. And at the same created him Lord Baltemore of Baltemore in Ireland."³⁷ It is further stated in the Sloane MSS. that King Charles desired his lordship to continue as a privy councilor, offering to dispense him from the oath of supremacy.³⁸ Shortly after his elevation to the peerage Calvert left the scenes of his political triumphs and failures, and in company with Sir Toby Matthew, an old schoolmate, went to Yorkshire to visit relatives and friends. The Aspinwall Papers maintain that it was Toby Matthew, a Jesuit, who converted Calvert to the Roman Catholic faith.³⁹ After his resignation it was rumored that Calvert was going to remove to Avalon. The king, however, stayed him.

While Calvert was engaged in his public work under the crown, great enterprises had been begun in the New World. Calvert was not only acquainted with them, but he was associated with those who were promoting them. It is not known just when George Calvert became a participant in American colonization. As early as 1609 he became a member of the Virginia Company, in the proceedings of which he had taken a more or less active part. It is also recorded that in 1621 he was one of the eighteen councilors of the New England Company. In fact, at some time or other he served on all the principal administrative committees in charge of colonial affairs. There is evidence that his interest in these enterprises waxed strong after his appointment as Secretary of State.

³⁷ Sloane MSS., 3662 f 24^b, 4.

³⁸ Ibid.,

³⁹ In Aspinwall Papers, 98-99.

Another advocate of colonization was Sir Edwin Sandys of the Virginia Company. "Calvert and Sandys were alike men of rare accomplishments"⁴⁰ and appear to have been in agreement with reference to the general idea of religious toleration. Both opposed religious intolerance and the spirit of persecution, characteristic of the age in which they lived.

Matthew P. Andrews writes that when Sandys issued an invitation to Pilgrim exiles to repatriate themselves in America, Sandys' emissaries were unsuccessful in their attempts to secure proper emigration papers until George Calvert became Secretary of State. Consequently, Calvert aided the Separatists in securing their patent. This is another instance in which he manifested his attitude toward religious toleration.⁴¹

The conditions in England during Calvert's life before his conversion, the early associations and environments of his youth, the acquaintance and friendship of Gondomar, of Father Toby Matthew and Henry More as well as the influence of the works of Michael de L'Hospital and Sir Thomas More; all this could not but serve as food for thought, could but help him find the path that leads to truth, beget in him a desire to alleviate his oppressed countrymen and help them obtain justice. While still a Protestant, he drew up the terms of the Spanish marriage treaty, one clause of which promised full toleration to Catholics. His refusal to serve on a commission to try recusants is another indication that he favored religious liberty. Among the advocates of colonization, Calvert's name appears beside

⁴⁰ Eggleston, Edward, The Beginners of a Nation, 221.

⁴¹ Andrew, Matthew P., History of Maryland: Province and State, 4-7.

that of Sir Edwin Sandys as a man of rare accomplishments and he is spoken of as agreeing with Sandys in the latter's idea of religious toleration. Both were opposed to the spirit of intolerance and persecution. All these facts warrant the inference that George Calvert was tolerant toward all, dissenters, Catholics, and Anglicans.

Section Three

Attitude of George Calvert Toward Religious Toleration after Settling Avalon

Long before the conversion of George Calvert to Catholicism, years before he conceived the idea of planting a colony where religious liberty might prevail, leading Catholics of England formulated plans to establish for their oppressed countrymen, colonies outside of England yet within her dominion. The foremost in such a project was Sir George Peckham of Buckinghamshire. Prudence, however, dictated that not the Catholic Peckham should apply for the patent necessary to undertake such exploration and colonization, but that the task devolve upon Sir Humphrey Gilbert "who, as far back as 1574 ... was hand and glove with the 'Papists' in looking for relief to a new world."⁴²

A patent was actually issued to him June 11, 1578, and it was framed to meet the case of Catholics. The first attempt to colonize resulted in a failure, but four years later the same Sir Humphrey Gilbert drew up articles of agreement with Sir George Peckham and Sir Thomas Gerrard. He communicated to them the provisions of his former charter and added special

⁴²Hughes, Thomas, History of the Society of Jesus in North America, I, 146.

stipulations. In 1583 they took possession of Newfoundland, but with the loss of Gilbert at sea the enterprise came to an end.⁴³ Again, in 1604 a plan was proposed to bring a thousand Catholics to America to escape persecution in England. Mr. Winslade consulted Father Robert Parsons on the subject of Catholic migration to the New World. But the latter regarded the enterprise as morally impossible. Consequently, it, too, resulted in a failure.⁴⁴

Newfoundland, nevertheless, remained the object of fitful zeal with speculators, who took it up from time to time, only to drop it again. George Calvert had long been interested in schemes of colonization and in 1620 he purchased a plantation which he called Avalon.⁴⁵ "Meanwhile, this public man, brought up amid the wily and unprincipled statesmen of the courts of Elizabeth and James, ... began to study religious affairs seriously."⁴⁶ Puritans, Separatists, and Presbyterians were building up a large body of dissenters; the Church of England was inert. Among the abler and purer men were such as sought to recover what they had lost as a result of the reformation, rather than to reject more. "George Calvert had not been indifferent to the salvation of his own soul ... He felt the importance of religion and gave it serious thought and inquiry. ... To his decisive mind the only course for any man was to return to the ancient Church."⁴⁷ Accordingly, he arranged affairs to meet the consequences attendant on a

⁴³ Ibid., 146-50.

⁴⁴ Ibid., 153-54; Shea, J.G., The Catholic Church in Colonial Days, 17-28; Russell, op.cit., 27-28.

⁴⁵ Fuller, op.cit., III, 418.

⁴⁶ Shea, J.G., The Catholic Church in Colonial Days, 29.

⁴⁷ Ibid., 29.

profession of faith prescribed by the laws of England.⁴⁸ Resolved to live and die a Catholic, convinced that it could not be done without jealousy of the State and dangers of Parliament, Calvert resigned his position as Secretary of State.⁴⁹ A contemporary, Thomas Fuller, confirms this statement. He writes that in 1624 "He [Calvert] freely confessed himself to the King, That he was then become a Roman Catholick, for that he must either be wanting to his Trust, or violate his Conscience in discharging his office."⁵⁰

Evidently, then, in anticipation of his conversion, Calvert applied for a patent for his province in Newfoundland. On April 7, 1623, James I granted him the charter which the proprietor drafted with his own hand. This charter "conferred on him an authority little short of sovereignty over his new territory".⁵¹ The fourth section granted him "the patronages and advowsons of all churches, which, as Christian religion shall increase within the said region ... shall happen to be erected."⁵² English subjects were given full authority to proceed to the province and settle there, any law to the contrary notwithstanding. Finally, laws to be enacted were not to be contrary to those of England. This statement is expressed in the last part of the charter in the provision "that no interpretations bee admitted thereof, whereby Gods holy and truly Christian religion, or allegiance due unto us, our heirs and successors, may in any thing suffer any prejudice ordimination."⁵³

⁴⁸Ibid., 29-30.

⁴⁹British Museum Additional MSS 27962C Salvetti Correspondence, iii, Feb.6, 1624-25, quoted in Italian in Eggleston's Beginners of a Nation, 260.

⁵⁰Fuller, op.cit., III, 202.

⁵¹Eggleston, op.cit., 225.

⁵²Hughes, op.cit., 177.

⁵³Ibid.

Obviously, these passages, on the one hand, enabled all Christian denominations, Catholics included, to emigrate to Avalon without hindrance, and on the other, they authorized Calvert to make laws as he pleased, without reserving any obligation to enforce the English penal laws against Catholics.⁵⁴ Consequently, under the charter Catholics could hold lands, and have their own churches and priests.

During the period of his political decline, Calvert's colony in Avalon suffered. Desiring to see for himself the conditions, to improve them, and to establish a colony where liberty of conscience might prevail, he set sail June 7, 1627, with a company of colonists and two seminary priests.⁵⁵ Oldmixon writes:

This gentleman being of the Romish Religion, was uneasy at home, and had the same Reason to leave the kingdom, as those Gentlemen had who went to New England, to enjoy the Liberty of his Conscience. ... When Capt. Wynn had giv'n Sir George a satisfactory Account with his Family [he] built a Fine House and strong fort at Ferryland, ... and dwelt there some time. ...⁵⁶

A note of Dr. John Southcote, a contemporary, bears testimony that priests accompanied Lord Baltimore: "1627. The first mission into New Found-land was begun by Mr. Anthony Smith and Mr. Thos. Longville, priests of the secular clergy, who put to sea the 1 of June and landed there the 23 of July with my Lord of Baltemore."⁵⁷ The Protestants of the colony also had their ministers. It has been recorded that a "Rev. Mr. James, after spending one

⁵⁴ Eggleston, op.cit., 225-26; Shea, op.cit., 30-31.

⁵⁵ Shea, op.cit., 31; Russell, op.cit., 42.

⁵⁶ Oldmixon, John, The British Empire in America, I, 5.

⁵⁷ In Georgetown Transcripts, quoted by Hughes, I, 180.

winter on the island, had returned to England."⁵⁸ George Calvert also returned in November of the same year, Rev. Longville accompanying him. In the spring of 1628 Calvert's fleet again ploughed the Atlantic en route for Avalon. This time he took with him his wife, his children except Cecilius, his sons-in-law, Sir Robert Talbot and Mr. William Peasely, a secular priest, Rev. Father Hacket, and others, about forty in all.⁵⁹ Another Protestant minister, the Rev. Erasmus Stourton resided in Avalon while Calvert made his home there. This minister, however, was not content with full liberty. On his return to England he filed a charge against Lord Baltimore for having Mass said in his chapel and for showing favor to the Catholics.⁶⁰

In placing both religions on equal footing and in sanctioning both tacitly, Calvert shows that his attitude toward religious liberty was broad and practical. The charter he drew up does not contain explicit provision for religious toleration, but section four affords a loophole, whereby Lord Baltimore was empowered to override the religious restrictions in force in England.

In a letter written to the king in August, 1629, Baltimore complains of slanderous reports raised at Plymouth by Rev. Stourton, and also of the difficulties "no longer to be resisted"⁶¹ which compelled him to remove to some warmer climate where the winters were shorter and less vigorous. Then he solicits a grant for a precinct of land in Virginia with such privileges as had been granted him in Avalon. Before he received an answer to

⁵⁸ Russell, op.cit., 42.

⁵⁹ Sloane MSS 3662 So. 25, 5.

⁶⁰ Russell, op.cit., 43; Shea, op.cit., 31.

⁶¹ Neill, Terra Mariae, 44.

this letter he removed to Virginia with about forty persons. The government of Virginia demanded of him that he take the oath of supremacy but Calvert as a Catholic refused. Leaving his wife in Virginia, he sailed for England and arrived there about the middle of January, 1630. After an eventful career in the New World, after being driven by nature's laws from Avalon and by man's laws from Virginia, Calvert found himself again in his native country never to leave it.⁶²

Calvert's attitude toward toleration is evident in the Avalon charter. It does not follow that because of the absence of definite provision for religious liberty, toleration did not prevail in Avalon. Section four admits of a broad interpretation and the history of the settlement of Avalon proves that real toleration existed among the settlers; both Catholics and Protestants lived there peacefully and unmolested.

⁶²Wilhelm, op.cit., 143-46; Neill, 44-45; Shea, 32-33; Sloane MSS 3662 So. 25, 6.

Section Four

Attitude of George Calvert toward Religious Toleration after
His Return to England

When Lord Baltimore arrived in England, he intended to return to America; but the royal will refused. His interest in colonization, however, did not wane. Therefore, he planned to send out future expeditions under other leadership. His stay in Jamestown had aroused in him a desire for the territory lying south of the James river.⁶³ In February, 1630, Baltimore with Lord Arundel of Wardour applied for a grant of land "to be peopled and planted by them".⁶⁴ King Charles readily signed the charter in 1631 but representatives of Virginia then in England, were appalled at this act. They considered it dangerous to have Catholic subjects at their border. As a result of their remonstrance the charter was revoked; but Calvert persisted in his design and sued for a tract north of Virginia. The sequel showed that he had lost none of his former prestige with Charles I. Although his associate, Arundel, had died and the benefit of his cooperation and assistance was lost, the influence represented by him survived. "Encouraged by Father Blount, Provincial of the Jesuits, and the great families of Roman Catholic Peerage",⁶⁵ Lord Baltimore continued the undertaking in his own name. He obtained a grant of the territory north of the Potomac, "and caused his charter

⁶³Sloane MSS 3662 So. 25, 7.

⁶⁴In Sainsbury's Calendar of British State Papers, quoted by Johnson, B.T., Foundations of Maryland, 18.

⁶⁵Johnson, B.T., Foundations of Maryland, 21.

⁶⁶Ibid.

to be prepared, in substance a copy of that of Avalon".⁶⁶ Before the charter passed the Great Seal of England, Lord Baltimore died; but on June 20, 1632, it was issued to his son and heir, Cecilius Calvert, the second Lord Baltimore.⁶⁷ In this charter of Maryland we again see the same spirit of toleration as was conceived by Lord Baltimore. A brief analysis of the charter will attest this fact. Considering it from the point of view of religion, we shall examine both its letter and its spirit. According to the letter it "is prospective, fixing the Maryland of the future". According to the spirit, it "is retrospective, as fixed by the English history of the past".⁶⁸ The religious element contained in the charter drafted by George Calvert was substantially the same as that devised for Avalon. But the difference between the two lies in this, that the Maryland charter is a more complete development of his principles. In point of fact there are three measures referring to religion in the new charter; only one of these was embodied in the charter of Avalon. The Maryland charter grants the proprietor "license and faculty of erecting and founding churches, chapels, and places of worship, in convenient and suitable places, within the premises, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England".⁶⁹ The first part of this clause offers no difficulty, the last part, however, "causing the same [chapels ... worship] to be dedicated ... according to the ecclesiastical

⁶⁶Ibid.

⁶⁷Shea, op.cit., 33-5; Hughes, op.cit., 233-35; Johnson, op.cit., 20-21; Sloane MSS 3362 25b, 7-8.

⁶⁸Hughes, op.cit., 236.

⁶⁹Archives of Maryland, Proceedings of the Council, III, 1636-1667, 3-12.

laws of our kingdom of England" has been disputed and has found several interpretations. Sir Edward Northy, Attorney-General of England, gave a decision in the eighteenth century. It reads: "... I am of opinion the same doth not give him power to do anything contrary to the ecclesiastical laws of England." Eggleston who cites Northy adds: "This is as ingeniously ambiguous as the clause itself."⁷⁰ Bishop Russell's interpretation is well worth our consideration. He calls the reader's attention to the fact that in the days during which the charter was drafted, a "time of religious and political ferment, terms were sadly mixed. Words meant one thing today and another tomorrow. Ideas and convictions were in solution and had not as yet crystallized into definite forms that could lie easily classified."⁷¹ "Ecclesiastical laws of the Church of England" might mean one thing or another according to the intention of the one who used the words. Russell maintains that an explicit term was not used so as to leave the exact meaning in doubt and thereby "allow the grantor and grantee each to take his own meaning out of it." Charters were, moreover, granted explicitly to meet exigencies, to further plans, and to fulfill the earnest desires of the grantee.⁷² Consequently, it is not improbable that Charles I realized that the so-called ambiguous clause meant toleration for Catholics according to the old Ecclesiastical laws of England as well as religious liberty for Protestants under the new Ecclesiastical laws. Rev. Thomas Hughes, S.J. presents a very definite interpretation. "Neither in form nor in substance

⁷⁰Eggleston, op.cit., Note 11, 262.

⁷¹Russell, op.cit., 59-60.

⁷²Ibid., 60-61.

was Baltimore to be understood as implying or connoting Protestantism, when he undertook to have churches 'dedicated and consecrated according to the ecclesiastical laws of our kingdom of England.'⁷³ During Elizabethan days, he writes, that whenever the phrase "Church of England" was construed to mean the Anglican, the said phrase was qualified, for example, this Religion established in this Church of England, or the true Religion established within this Realm.⁷⁴ "Elizabeth and everybody knew perfectly well the difference between the 'ecclesiastical laws of our kingdom' and the ecclesiastical laws of a qualified and novel Anglicanism."⁷⁵ Legislators and lawyers alike avoided old English terms, which had been in use in Catholic times. The "Church of England" was a Catholic term and as title had passed out of use with the introduction of the new religion.⁷⁶

S.R.Gardiner, the author of a History of England, is of the same opinion and corroborates what Hughes has written. Criticizing Neill for supposing that "Holy Church" meant the Protestant "Church of England" as established by law, he writes:

I am sure that Mr. Neill is wrong in saying that the "Holy Church, which according to the statute of 1639 was to "have all her rights and liberties", was "that of the charter, the Church of England". Such a phrase was never, to my knowledge, applied to the [Protestant] Church of England after the Reformation.⁷⁷

Paragraph four of the charter contains another clause pertaining

⁷³Hughes, op.cit., 238.

⁷⁴Ibid.

⁷⁵Ibid.

⁷⁶Ibid.

⁷⁷In Gardiner's History of England, viii, 180, cited by Hughes, I, 239.

to religion, which Baltimore had incorporated in his Avalon charter: "We do grant ... the PATRONAGES and ADVOWSONS of all churches which (with the increasing worship and religion of CHRIST), within the said region, ... aforesaid, hereafter shall happen to be built."⁷⁸ By advowson is meant "the right of presentation to a living, or prebend, or benefice".⁷⁹ In this manner the Catholic was accorded rights in religious affairs of his province according to the method of the king of England. It made Baltimore a virtual king and head of the Church in Maryland, if he chose to exercise supremacy.⁸⁰

The third religious element is found in the eighteenth section of the charter. It deals with statutes of Mortmain. According to Hughes, they were expunged by Lord Baltimore. As substitute of the king, he was the source of all property titles in Maryland, and, therefore, Lord Baltimore with his successors enjoyed full power to assign landed property in the new colony to anyone willing to purchase it. These persons in turn were qualified by the charter to hold the property "in fee simple, or fee tail, or for term of life, lives, or years"; all arrangements being subject to the good will of the Proprietary and to the acceptance of the person, thus "willing to take or purchase."⁸¹ This enabling qualification, Father Hughes holds, excludes tacitly those Laws of Mortmain which excepted corporations, religious or otherwise, from the franchise of acquiring landed property. The religious elements in the charter of 1632 more than the words of his contemporaries, show that George Calvert, first Lord Baltimore, was an exponent of

⁷⁸Russell, op.cit., Appendix, 519-20.

⁷⁹Hughes, op.cit., 239.

⁸⁰Russell, op.cit., 59; Hughes, op.cit., 239; McMahon, J., Historical View of the Government of Maryland, 154-55.

⁸¹Hughes, op.cit., 240-41.

religious toleration in practice more than in theory. From the time of his return to England until his death, Lord Baltimore did not give up his design to establish an abiding sanctuary wherein religious liberty might prevail. His charter drawn up for Maryland bears proof that his province was to be colonized not by one religious sect; it was intended to be a haven for all who were persecuted on account of their religion. His biographer, John G. Morris, writes of Calvert that he was a man of exalted character. "He conducted himself with such propriety that all religious parties were pleased and none complained of him."⁸²

As to the motives that prompted Calvert in securing the grant of Maryland, Wilhelm is of the opinion that they were not entirely religious, not entirely pecuniary, probably a commingling of the two.⁸³ In his new sphere as a Catholic, he did not act like a pendulum, swinging from extreme to extreme, but remained moderate, courteous, and charitable.⁸⁴ He died thinking that his whole life had been a failure, "but grateful posterity has rescued his name from oblivion".⁸⁵ The tenor of his life is well expressed on his coat-of-arms: "Womanly words, manly deeds."⁸⁶ Lord Baltimore will be remembered in Maryland not merely as a founder but as a founder who introduced into the New World a palatinate planned to secure to each individual the fullest toleration in religion; "a palatinate so constituted that the Catholic, the Protestant, and the Quaker might each enjoy his religion and in the enjoyment of his religion be protected and tolerated."⁸⁷

⁸²Morris, J.G., The Lords Baltimore, 26.

⁸³Wilhelm, op.cit., 167.

⁸⁴Ibid., 168.

⁸⁵Ibid., 169.

⁸⁶Ibid., 169.

⁸⁷Ibid., 169-70.

CHAPTER IV

ATTITUDE OF CECILIUS CALVERT TOWARDS RELIGIOUS TOLERATION
AS REVEALED IN HIS LIFE AND WRITINGS

Section One

Short Sketch of Life of Cecilius Calvert

Prior to the Founding of Maryland

Cecilius Calvert, the eldest son of Sir George Calvert, fell heir to the possessions and policies of his father. The second Lord Baltimore and actual founder of Maryland was born in 1606. He was named after Robert Cecil, Earl of Salisbury, the warm friend of his father, and was baptized and confirmed in the Church of England. At the age of fifteen he entered Trinity College, Oxford, where, as records indicate, he went through the forms of matriculation. In 1628 he married Anne Arundel, daughter of Lord Thomas Arundel of Wardour, a Catholic Peer. Beyond these facts little information can be gathered of the early life of Cecilius Calvert.¹

After the death of his father, the charter for the province of Maryland was issued to Cecilius who thus became the sole proprietary of the newly created palatinate. He promptly set about to fit out an expedition for the settlement of the colony. He intended to accompany the colonists to America but owing to the enemies of his colonial project at home, he found it necessary to remain in London to watch and resist their machinations and to guard his own interests. The leadership of the expedition was therefore

¹Davis, G.L., The Day-Star of American Freedom, 165; Morris, J.G., The Lords Baltimore, 30-34.

entrusted to his brothers, Leonard and George Calvert. The former was appointed governor. The proprietaryship of Cecilius, the second Lord Baltimore, which extended over a period of forty years, was beset with difficulties. His whole career, however, was distinguished for its mild, just, beneficent, and paternal character. He is designated by tradition as "Pater Patriae".²

Section Two

Attitude of Cecilius Calvert toward Religious Toleration

As Shown by His Writings

The task of executing the plans of the first Lord Baltimore was left to his son Cecilius, who became the second Lord Baltimore and first Proprietary of the new colony. The charter now in his hands vested him with the princely jurisdiction and rights of the Palatinate of Durham which meant that he was given "all and as ample Rights, Jurisdictions, Privileges, ... and royal Rights ... within the Region ... aforesaid, to be had, exercised, used, and enjoyed as any Bishop of Durham, within the Bishoprick or County Palatinate of Durham in our Kingdom of England, ever heretofore hath had, held, used or enjoyed, or of Right could, or ought to have, hold, use, or enjoy."³ The provisions of the charter were liberal and in conformity with the Petition of Rights of 1628, which in turn reiterated the claims of the Magna Charta. The great body of Englishmen, among them the Baltimores, were

² Davis, G.L., The Day-Star of American Freedom, 165; Morris, J.G., The Lords Baltimore, 30-34.

³ In Macdonald's Select Charters, 55, quoted by Herbert H. Coulson in "The Palatinate of Durham and the Maryland Charter", The Historical Bulletin, (Jan. 1934), 21.

intent upon preserving these monuments of liberty. Consequently, it became apparent to Cecilius that he had the right to organize a colony in which English subjects could enjoy the "rights, franchises, and liberties of Englishmen, freedom of person, security of property, and liberty of conscience ... and ... be unmolested in their homes ..."4

With the assistance of noble minded men, Lord Baltimore sought to plant a colony in which the principles of liberty in general and the principle of religious toleration in particular might prevail. Religious toleration was to be the fundamental institution of the province, "Toleration for Roman Catholics carried with it, of necessity, toleration for all Christians."5

In accordance with these views, Lord Baltimore organized his first expedition. Nowhere is it recorded just how many passengers were Catholics and how many were Protestants, but it is probable that most of the leaders and gentry were Roman Catholics and most of the laborers and servants Protestants.⁶ Undoubtedly, Cecilius had counted on a large migration of Catholic recusants, but it fell short of the stream of Puritan emigration that poured into New England.

The crew consisted of his brothers, Leonard and George Calvert, Jerome Hawley, and Captain Thomas Cornwaleys, assistants to the governor, twenty gentlemen of "good fashion" and about two hundred others, mechanics, laboring men, and indentured servants; among the gentlemen were Fathers

⁴Johnson, B.T., The Foundation of Maryland, 9, 22-24.

⁵Ibid., 30.

⁶Browne, Wm.H., Maryland the History of a Palatinate, 22; Eggleston, E., The Beginners of a Nation, 241.

Andrew White, John Altham, and Thomas Copley, priests of the Society of Jesus.⁷

The Proprietary soon found himself surrounded by difficulties. His opponents put forth every effort to defeat the expedition. Stories were rumored that the ships were designed to carry nuns and troops to Spain. Cecilius wrote to his father's friend, the Earl of Strafford, on the 10th of January, 1634, to this effect: "... My ships are gone, after ... my adversaries had informed, by several means, some of the Lords of the council that I intended to carry nuns over to Spain and soldiers to serve that king..."⁸

After the ships with the colonists had set sail, a complaint was laid before the Star Chamber that the crew of the "Ark" had sailed without a cocket in contempt of all authority, had abused the customs officers at Gravesend, and had refused to take the oath of allegiance.⁹ In the letter to Earl Strafford, Cecilius Calvert denounced these charges as "most notoriously and maliciously false".¹⁰ By order of the Privy Council the "Ark" was stayed and Edward Watkins administered the oath of allegiance, supremacy, and adjuration to one hundred and twenty-eight, comprising all who were on board. After further delays the vessels were allowed to proceed. At Cowes, on the Isle of Wight, two Jesuit fathers, Andrew White and John Altham, and a number of colonists were taken on board.¹¹ On November 22d, when all major difficulties had been surmounted, they weighed anchor and steered for the New

⁷ Shea, J.G., The Catholic Church in Colonial Days, 39-40.

⁸ In Strafford Letters, quoted by M.P. Andrews in History of Maryland, 22.

⁹ Eggleston, op.cit., 241.

¹⁰ In Strafford Letters, quoted by Neill, Founders of Maryland, 63.

¹¹ Archives of Maryland: Proceedings of Council, 1636-1667, III, 23-25.

World.

In the letter to the Earl of Strafford cited above, Cecilius Lord Baltimore gives an account of the difficulties which this first expedition encountered:

After many difficulties since your Lordship's departure from hence, in the proceedings of my Plantation wherein I felt your Lordship's absence, I have at last sent away my ships, and have deferred my going till another time; ... after having been so many ways troubled by my adversaries, after they had endeavored to overthrow my business at the Council Board, after they had informed ... the Lords of the Council that I intended to carry over nuns into Spain ... after they had gotten Mr. Attorney General to make an information in the Star-Chamber that my ships were departed from Gravesend without any cockets ... and all this done before I knew anything of it ... I have, ... by the help of some of your Lordship's good friends and mine, overcome these difficulties, and sent a hopeful colony into Maryland, with a fair and favorable expectation of good success, however without any danger of any great prejudice unto myself, in respect that others are joined with me in the adventure. There are two of my brothers gone, with very near twenty other gentlemen of very good fashion, and three hundred laboring men well provided in all things.¹²

Evidently Lord Baltimore was not taken unawares by these hardships; they had been foreshadowed by the difficulties which he had encountered soon after he had received the charter. Hughes tells us that at that time "Lord Baltimore had many grave matters on his hands ... not only in the way of organizing a colony, but also of defending his right to organize and his rights to the property itself conferred on him by the charter."¹³ The liberal provisions of his charter were made the ground of grave objections. Lord

¹²In Strafford's Dispatches and Letters, I, quoted by Neill, Founders of Maryland, 62, 63.

In his History of Maryland, page 22-23, Andrews shows that the statement regarding the number of colonists made by the Proprietary is loose and inaccurate.

¹³Hughes, T., History of the Society of Jesus, 257.

Baltimore laid his difficulties before the Provincial of the Jesuits and asked for advice and assistance. After the objections advanced were considered, the Provincial, according to Bradley Johnson, prepared a paper for the guidance of both the Society and Lord Baltimore. This work was begun in June, 1632, and completed in the fall of the following year.¹⁴ Lord Baltimore published it in form of a pamphlet. It is entitled Objections Answered Touching Maryland and contains five objections with answers subjoined to each. The replies show plainly that the motives of Lord Baltimore in planting a colony in the New World were, first, to found a place of refuge for the persecuted of his own faith; and second, to found a place of religious toleration for all others. They further show that the motives and ideals of the Proprietary were by no means held secret, but were known publicly before the charter was granted to him. The first objection sets forth that the laws promulgated against the Roman Catholics were made in order to force them to conform to the Protestant religion. Moreover, the Protestants feared that if Catholics were allowed to depart from England to Maryland where they could enjoy religious liberty, this "license ... would take away all hopes of their conformity to the Church of England".¹⁵ In his answer the author denies that the laws against Catholics were intended for the good of their souls; he maintains that their aims were practical, "the safety of King and Kingdome was the sole ayme and end of them (laws)". "Moreover," he continues, "in matters of Religion, if it bee forced, ... give little satisfaction".¹⁶

¹⁴Johnson, op.cit., 23-24.

¹⁵Hughes, T., History of the Society of Jesus, Documents, I, 11.

¹⁶Ibid.

The second objection presents another scruple. "Such a licence," the opponents said, "will seem to be a kind of toleration ofPopery which some may find a scruple of Conscience, to allow of in any part of the Kings Dominions".¹⁷ The answer to this objection is that "Such scrupulous persons may as well have a scruple to let the Roman Catholiques live here, though it be under Persecution, as to give way to such a licence, ..." ¹⁸ because living in banishment in the wilderness for which they are bound, is certainly a worse penalty than suffering persecution in the land they love. In the third and fourth objections the adversaries regret the loss of revenues which the king had been receiving in fines from the Catholics and the loss of wealth to the realm occasioned by the withdrawal of so many persons. Briefly, the answer indicates that the object of the laws was not the king's profit but the freeing of the kingdom from Catholics; therefore, permitting Catholics to leave the realm would accomplish the end of the laws; and that the number of recusants was not so great as to cause a diminution of wealth in the country.¹⁹

The fifth objection gives expression to existing fears, that the presence of Catholics in Maryland would be detrimental and dangerous to the English Protestants of Virginia and New England, that these Catholics might call upon the Spanish to aid them in suppressing those parts or that in time the Marylander settlers might themselves engage in suppressing other colonies and "shake off any dependance on the Crowne of England."²⁰ In reply the

¹⁷ Ibid.

¹⁸ Ibid., 11-12.

¹⁹ Ibid., 12-13.

²⁰ Ibid., 13.

author endeavors to allay the fears of the objectors by telling them that the distance between the colonies is too great to give rise to any reasonable fear; that the English Protestants outnumber the Catholics and will do so in the future. Should the Catholics "shake off" any dependence on the Crown of England, England will by this means be freed from many suspected persons now in it.²¹

Though the pamphlet, Objections Answered Touching Maryland, was not the work of Lord Baltimore himself, it expresses his sentiments and convictions. It is not improbable that eventually it led him to define these sentiments and convictions even more precisely in his Instructions of November 13, 1633, directed to the governor and commissioners of Maryland.

The attitude of the Proprietary toward religious freedom is very clearly indicated in the promises and proclamations which he announced before the colonists left Europe. In his advertisement for settlers he promises all men religious liberty and sets forth the spiritual and temporal benefits that will accrue to the settlers. The objects of Cecilius in planting his colony are stated definitely in the document known as Declaratio Coloniae, "An Account of the Colony of the Lord Baron of Baltimore, in Maryland near Virginia" composed by Father Andrew White, Lord Baltimore's secretary. The first object is spiritual in character: "The first and chief purpose of the Right Honourable Baron is that which should be first also in the minds of others, ... and it is that, in so fruitful a land, the seeds be sown not so much of fruits and trees as of religion and

²¹Ibid., 14-15.

piety."²² The second object is material in nature; briefly stated, it purposes that all who take part in the voyage and labors may share in the profits and honors.²³

The Declaratio of February 10, 1633, was followed by another valuable document, dated November 13, 1633. It is a letter of instruction addressed by the Proprietary to his brother Leonard, the governor, Jerome Hawley and Thomas Cornwaleys, commissioners for the government. The first articles of this document portrays the attitude of Lord Baltimore toward religious toleration in a very significant manner. In order to preserve peace and unity among the inmates of the ships and to avoid all scandal and offence to Protestants, he orders that all acts of Roman Catholic worship should be performed as privately as possible; the Catholics should be instructed to remain silent on all occasions of religious discussion; that the governor and commissioners should treat the Protestants with as much mildness and favor as justice will permit. This instruction was to be observed on land as well as at sea, in order to forestall complaints by Protestant passengers in Virginia or in England.²⁴

The sixth article prescribes the formalities to be observed on arriving in Maryland. As soon as they had landed, the colonists were to assemble, the Maryland charter and his Lordship's letter of commission were to be publicly read, and the oath of allegiance to the king to be taken by everyone.

²²Hughes, History of the Society of Jesus, I, 250; Documents, I, Part I, No.9, 145-49; White, Father Andrew, Relatio Itineris in Marylandiam, 44-45.

²³Ibid.

²⁴Ibid., I, 259-60.

... when they [the governor and commissioners] have made choice of the place where they intend to settle themselves and that they have brought their men ashore ... they do assemble all the people together in a fitt and decent manner and then cause His Majesties letters pattents to be publikey read....²⁵

Finally, the commissioners were charged to administer impartial justice to every man and to avoid occasion of difference with inhabitants.²⁶

This document, undoubtedly, proves that from the beginning toleration was the policy of Lord Baltimore. It shows further that there was no pretense of theory on his part. His instructions were based not only on the exigency of the situation but on sound principle. The proclamation and promises of the Proprietary were held inviolate. The officials in the colony defended them. Examples in the history of Maryland bear testimony to these statements. From the facts so far noted, it is not difficult to deduce Lord Baltimore's attitude toward religious liberty. Toleration existed in the very heart of the Proprietary. He not only advised it and allowed it in his new colony, but he ordered it to be the principle and the practice of the colony. Freedom of conscience was not to be a policy written on the pages of statute books, it was to be a living freedom -- "it was to be a freedom of the most practical sort."²⁷

In order to insure effective toleration in his colony, Lord Baltimore resorted to a more practical means than mere proclamation. His Lordship prepared an oath which governors and councilors were required to take on entering office. This oath included a pledge not to trouble, molest, or

²⁵Ibid., 261.

²⁶The Calvert Papers, No.1, 131-40.

²⁷Davis, The Day Star, 36-37.

discountenance, directly or indirectly, any person professing to believe in Jesus Christ. Chalmers informs us that such an oath was exacted from governors between 1637 and 1657.²⁸ McMahon also maintains that the oath prescribed by Lord Baltimore as early as 1636 included this pledge.²⁹ George L. Davis likewise believes the pledge was imposed as early as 1637. Other writers challenge this statement, since there is no record extant to prove it. They maintain that no oath required before 1648 contained a pledge forbidding governors to molest persons believing in Jesus Christ. The former, however, believe that the first part of the oath of 1648 was the same as that of 1636/37 with an additional clause. This clause, they say, extended further protection to Roman Catholics, for at this time, Roman Catholics were "most likely to be the objects of persecution."³⁰ In defence of this class, Davis writes:

I am inclined to think the oath of the latter (1648) was but an "augmented edition" of the one in the former year (1637). The grant of the charter marks the era of special Toleration. But the earliest practice of the government presents the first; the official oath, the second; the action of the Assembly in 1649, the third...³¹

The oath of 1648 was evidently a protection against possible intolerance. It was during this year that the Proprietary spent the entire summer in maturing a complete reorganization of government on principles which would satisfy all reasonable demands and compose the factions in

²⁸Chalmers, G., Political Annals, 235.

²⁹McMahon, John V.L., Historical View of the Government of Maryland, I, 226.

³⁰Browne, Maryland, 66.

³¹Davis, op.cit., 39-40.

Maryland.³² Complete control of the province was passed over to Protestants; William Stone, a Protestant, was appointed governor; Price, Hatton, and Vaughan, also Protestants, were named among the five councilors. Lord Baltimore approved "Sixteen laws" which were proposed to him.³³ These measures of reorganization were submitted to the members of the General Assembly for consideration, and were passed in 1649 and 1650. Among them, according to Johnson, was the "Act concerning Religion", which was enacted April 21, 1649.³⁴

Promises and proclamations as set forth in the document, Declaratio Coloniae of February 10, 1633; in the paper, Instructions of November 13, 1633; in the pamphlet, Objections Answered Touching Maryland; and in oaths as required in 1636 and later, give ample testimony of the attitude of Lord Baltimore toward religious toleration. More important, however, are the concrete examples illustrating how he carried out his policy. John Winthrop records in his Journal that in 1643 Lord Baltimore wrote to Captain Gibbons of Boston and sent him a commission wherein he offered "free liberty of religion and all other privileges" to such people of New England as cared to move to Maryland.³⁵ The Puritans of New England declined the offer. A similar invitation was extended to the Puritans of Virginia who were then suffering persecution from the hands of Sir William Berkeley, a staunch cavalier. The Puritans here were glad to "seek a refuge under the protection of a

³² Johnson, op.cit., 112.

³³ Ibid., 113. Lord Baltimore intended these laws to be perpetual.

³⁴ Ibid., 117-20.

³⁵ Winthrop's Journal, II, 148-49.

Proprietary who was a papist and who practiced toleration."³⁶ In 1648 Lord Baltimore consented to admit William Durand and Richard Bennett of Virginia, whence they had been expelled. At their solicitations the persecuted Puritans were invited and given a portion of land which they called Providence.³⁷ In 1656 John Hammond wrote: "Maryland was courted by them as a refuge, the Lord Proprietor and his Governor solicited, ... their conditions were pitied, ..." ³⁸ they were to have land assigned to them, liberty of conscience, the privilege to choose their own officers, and to hold courts within themselves.³⁹

From this period down to the death of Cecilius Calvert in 1675, the government was not always under his control. As long as it was directed by him and the Catholics, religious liberty was enjoyed by every creed. But such was not the case when the government was in the hands of others. A study of toleration as it existed in the colony of Maryland will be taken up in Chapter Five.

³⁶ Eggleston, op.cit., 253.

³⁷ Russell, op.cit., 193.

³⁸ Ibid., 193-94.

³⁹ Ibid.

CHAPTER V

RELIGIOUS TOLERATION IN MARYLAND DURING THE 17th CENTURY

Section One

Religious Toleration in Maryland, 1634-1647

Each successive stage in the history of American settlement presents colonies that were planted by the restless or perturbed of mind. Dissatisfaction, begotten of poverty or financial reverses; discontent, born of political or religious unrest; uneasiness, produced by thirst for novelty and adventure; each of these forces contributed its share in impelling Englishmen to emigrate beyond the seas. In the seventeenth century, however, the religious motive was the dominant factor stimulating colonization. This influence was so strong that it not only induced men to emigrate to America, but it served as a distributing force in America itself, "producing secondary colonies by expelling from a new plantation the discontented and the persecuted to make fresh breaks in the wilderness for new settlements".¹ Rhode Island, for example, was a secondary planting. Religious differences caused Virginia to be divided, "one of the two rival colonies being intolerantly Protestant, the other a home for Catholic refugees".²

That part of Virginia, which lies north of the Potomac, was given to Lord Baltimore and named by Charles I, Maryland or Terra Mariae in honor of Queen Henrietta Maria. It is said that George Calvert had intended to call it Crescentia, possibly in honor of the old consul who threw off the

¹Eggleston, E., The Beginners of a Nation, 220.

²Ibid., 221.

yoke of the Saxon and set Rome free.³ The colonization of Maryland, as has been shown, was projected by George Calvert, first Lord Baltimore. Before the charter passed the Great Seal, the projector died. The initial steps taken by George Calvert were completed by his son Cecilius. To him Charles granted the patent of which an historian says: "The Charter of Maryland was the most ample and sovereign that ever emanated from the British Crown."⁴ It erected Maryland into a palatinate and made the Proprietary absolute lord of land and water within its boundaries; it left to him the final interpretation of any doubtful word, clause, or sentence.⁵ As Lord Proprietor of Maryland for almost half a century, Cecilius Calvert occupied an important part in moulding the constitutional, religious, and economic history of the province. After the charter had been officially granted to him, he proceeded at once to interest desirable emigrants and to make preparations for the enterprise. He did not keep secret his purpose. It was twofold: first, to furnish a home for his persecuted coreligionists; and second, to establish a great state where the rights, franchises, and liberties of Englishmen should be secured and guaranteed to all its people forever.⁶

To this end he published his Declaratio and went about securing

³Browne, Wm. H., Maryland the History of a Palatinate, 17.

⁴McMahon, J. V., Historical View of the Government of Maryland, I, 155.

⁵Russell, W. T., Maryland: the Land of Sanctuary, 54; Andrews, M. P., History of Maryland, 19.

⁶Johnson, B. T., The Foundation of Maryland, 9. L. W. Wilhem, a biographer of Lord Baltimore, maintains that the motives of the first Lord Baltimore were not entirely religious, not entirely pecuniary; he sought the grant more for an economic than for a religious object; in Sir George Calvert, 167.

colonists in an open manner, promising them immunity from religious persecution and liberty to worship God according to the dictates of conscience. The famous "Objections" to his planting the colony, proposed and answered, further tend to show that his reasons were not unknown to leading Englishmen of the time. Finally, the Instructions, given to those who directed the expedition, also manifest his twofold motive.⁷ Chalmers, the annalist, writes to this effect:

Now Lord Baltimore [Cecilius Calvert] laid the foundation of his province upon the broad basis of security to property, and of freedom in religion; granting, in absolute fee, fifty acres of land to every emigrant; establishing Christianity agreeably to the old common-law, of which it is a part, without allowing preeminence to any particular sect.⁸

On St. Cecilia's day, November 22, 1633, the Ark and the Dove set sail from Cowes for Maryland. After a violent storm at starting, the ships reached Barbados, January 3d. Here they stayed until January 24th. Continuing their voyage, they arrived at Point Comfort in Virginia on February 27th. After they had rested for about nine days, the Ark and the Dove proceeded slowly up the river and anchored off an island which they named St. Clement's, approximately thirty-one miles from the mouth of the Potomac River.⁹ Here the pilgrims of Maryland first landed, and as Father White narrates in his Relation, on the 25th of March, he celebrated the first Mass in the New World. "In this place on our b: Ladies day in lent, we first offered, erected a crosse, and with devotion tooke solemne possession of the Country."¹⁰

⁷Russell, op.cit., 66-75.

⁸Chalmers, George, Political Annals, 207-8.

⁹Russell, op.cit., 75-77; Browne, op.cit., 23-24.

¹⁰"Father White's Briefe Relation" in Hall, Narratives of Early Maryland, 40.

Two days after this religious ceremony, Henry Fleete, a Virginian, who knew the country and the Indians, led Governor Leonard Calvert and a detachment of colonists to a beautiful spot at the mouth of a small stream where they proposed to fix their future habitation. This site they named St. Mary's. "Here on the Twenty-seventh of March, 1634, began the actual settlement of the Palatinate of Maryland under the auspices of Lord Baltimore."¹¹

The little colony was now to begin its government according to the formal instructions and provisions made by the Proprietary for its safety and welfare. In his instructions to the colonists, Cecilius sought to forestall the mistakes made in earlier settlements, and offered such suggestions as he thought best for their religious, civil, and social welfare. He made provision for private ownership so that settlers "may reape the fruites of their charges and labors",¹² He ordered that the place selected for settlement be "healthful and fruitful";¹³ he decreed that the town be laid out in streets according to a definite plan; moreover, he gave instructions as to how they were to approach their enemies; finally, he sought to provide against contingencies which he feared might arise. He anticipated religious dissension. To this end he instructed the governor and his commissioners to preserve unity and peace among the passengers on shipboard, by causing all acts of the Roman Catholic religion to be made as privately as possible; all discourse, concerning matters of religion to be avoided and Protestants to

¹¹ Andrews, M.P., History of Maryland, 29.

¹² "Lord Baltimore's Instructions" in Hall, Narratives of Early Maryland, 20.

¹³ Ibid., 17.

be treated as mildly and favorably as possible, "And this to be observed at Land as well as at Sea".¹⁴

The history of Maryland as presented by contemporaries and as found in the records, papers, and archives of this province prove that religious liberty and real toleration as dictated by the Calverts were salient features of this proprietary settlement. Letters, documents, and events of this period furnish ample proof that this spirit prevailed in the early part of its history, so much so that the years preceding 1649 might well be called the golden era of toleration in Maryland.

A letter written in 1678 by his son Charles shows vividly the intention of Cecilius Lord Baltimore to establish and maintain religious freedom in the province. The letter reads in part: "My father ... had an Absolute Liberty given to him and his heires to carry thither any Persons out of any of the Dominions that belonged to the Crowne of England who should be found wylling to goe thither ..."¹⁵ In substance, he says further, that his father agreed to conditions proposed by the first settlers, namely, that the province establish toleration by a law according to which "all of all sorts who professed Christianity in General might be at Liberty to Worshipp God in such Manner as was most agreeable with their respective Judgments and Consciences, without being subject to any penaltyes whatsoever for their soe doeing, Provyded the civill peace were preserved."¹⁶

A General Assembly of freemen was held at St. Mary's in 1635. No

¹⁴ Ibid., 16.

¹⁵ Archives of Maryland, Proceedings of the Council, 1667-87, V, 267-68.

¹⁶ Ibid.

account of the proceedings of this Assembly has come down to us. A subsequent statute, however, reveals that the Assembly of 1635 adopted the Common Law as the rule of right and security in the colony. The charter required the assent of the Proprietary to the laws, and when the acts of this Assembly were laid before Lord Baltimore, he rejected them on the ground that under the charter, the right of originating legislation belonged exclusively to him. The second Assembly met in January, 1637-38. When the question of adopting laws proposed by the Proprietary arose, only two voices were heard in the affirmative. The colonists were unwilling to concede to Lord Baltimore's absolute claim of initiating bills and, therefore, rejected his propositions. In 1638 the Proprietary authorized Leonard Calvert, the governor, to assent to such laws as seemed proper and necessary.¹⁷ The governor summoned a writ in 1639 for a new Assembly to convene. This body met at St. Mary's, February 25, 1639, and adopted many useful measures. At this session it was also enacted that the inhabitants were to enjoy all the rights and liberties accorded by the Great Charter. No special provision was made for religious liberty. One of the acts passed declared that "Holy Church, within this province, shall have all her rights and liberties".¹⁸ The record of the following year contains a similar entry. Both of these laws are founded upon the first clause of the Magna Charta.¹⁹ Bozman maintains that the bills of this session bear great resemblance to those of the Magna Charta. "The Magna Charta has been dominated a 'collection of

¹⁷ Archives of Maryland, Proceedings and Acts of the General Assembly, 1637-58, I, 31.

¹⁸ Davis, G.L., The Day-Star, 29.

¹⁹ Brantly, Wm., "The English in America" in Windsor's Narrative and Critical History, III, 528-30.

statutes'; in like manner this act of the assembly may be said to be a collection of most of the bills before mentioned."²⁰ Commenting on this act, Bradley T. Johnson writes: "More than the act concerning religion, it is the Magna Charta, the Petition of Rights, and the Bill of Rights, all in one statute, and liberty of conscience in 1649, followed as the irresistible logical consequence of this great ordinance of 1638-9."²¹

This ordinance stands as the first code of Maryland law and meant in Maryland that the Christian church should be free from unlawful interference by any temporal power. It reiterates the mandate of her charter, "that 'nothing should be done contrary to God's Holy Religion,' and with that mandate, was the guarantee of liberty of conscience, to all Christian people in Maryland".²²

In the interval between the founding of the colony and the meeting and adjournment of the General Assembly of 1638-39 and 1642 two cases are recorded which give evidence that under the original form of government religious toleration was the established custom of the province. They further show that the history of toleration in Maryland does not begin with the Act of 1649 but that this subsequent act was simply a legislative confirmation of the unwritten law. These cases, involving religious disputes, came up for official action. "Both were decided, not so much in favor of one litigant or the other, but in favor of the principle of religious freedom."²³ On the pages of the records of the Provincial Court for 1638 there appears an

²⁰Bozman, J.L., History of Maryland, II, 107.

²¹Johnson, op.cit., 50.

²²Ibid., 52.

²³Andrews, op.cit., 97.

account of the trial of William Lewis. The defendant, a Catholic and the overseer of Father Copley, entered his house one day and heard two of his protestant servants, Francis Gray and Robert Sedgrave, reading "Mr. Smith's Sermons", a Protestant work. Lewis supposed that they read it aloud purposely for him to hear, for they read some passages which were reproachful to his religion, namely, "that the pope was anti-Christ, and the Jesuits anti-Christian ministers".²⁴ Incensed at the insult to his religion, Lewis expressed himself in no uncertain terms, saying that what they read was false and came from the devil as all lies do, and that he who wrote it was an instrument of the devil. Reporting the matter to their fellow-bondmen, who likewise were Protestants, Sedgrave and Gray petitioned that their grievance might be redressed. The case was taken to the next Court. Lewis was tried by the governor and two assessors, and, as a result "was found guilty of having offended against the proclamation made for the suppressing of all disputes in religion".²⁵ He was fined five hundred pounds of tobacco and was bound over to behave better in the future.²⁶ Thus, only four years after the founding of the province and eleven years before the Act concerning Religion was passed, the principle of toleration was enforced and the case placed on record; liberty of conscience was vindicated by a recorded sentence. A Catholic governor rebuked a Catholic offender for unreasonable disputations in point of religion, a clear evidence of impartial and tolerant sincerity.

²⁴Bozman, op.cit., II, 597; Archives of Maryland, Judicial and Testamentary Business of the Provincial Court, 1637-50, IV, 35-39.

²⁵Russell, op.cit., 127.

²⁶Archives of Maryland, IV, op.cit., 35-39.

Lewis was condemned to pay a fine for offending against a "proclamation", which implies that this "proclamation" had the force of a law. If this proclamation dates back to the "Instructions" given by Cecilius Calvert, we have all reason to believe that they were sacredly followed. Dr. Browne is of the opinion that the First Assembly, 1634-35, enacted a law forbidding disputes on religious topics. The records thereof, however, are lost.²⁷

Another instance which illustrates religious toleration as it existed in the colony is the Gerard case of 1642. Mr. Thomas Gerard, a member of the Assembly and a zealous Catholic, had carried away the key of the chapel in which the Protestants were accustomed to hold their services; he also took away certain books which he considered offensive. The Protestants petitioned against this proceeding. Gerard was tried and found guilty of a misdemeanor, and it was ordered "that he should bring the Books and Key taken away to the place where he had taken them and relinquish all title to them or the house, and should pay a fine of 500 lb. tobacco towards the maintenance of the first minister as should arrive".²⁸

These cases illustrate on the one hand the inflexibility of the law of religious freedom which prevailed in the colony from the beginning; on the other hand, they show the fidelity, care, and justice with which Catholic authorities guarded the religious rights of the settlers.

True to his fundamental policy, that Maryland was to be open not only to Catholics but to persons of all creeds, Lord Baltimore extended an invitation to Protestants of other colonies. Captain Gibbons of Boston, for

²⁷ Archives of Maryland, Proceedings of the Council, 1667-87, V, v.

²⁸ Archives of Maryland, Proceedings and Acts of the General Assembly, 1637-64, I, 119.

instance, received a letter from the governor of Maryland inviting the Puritans to settle in his province. They were promised lands and privileges with "full liberty of conscience". In 1643 the Virginia Assembly enacted a law to the effect that Nonconformists were to be banished the following year. These exiles appealed to the authorities of Maryland. They were assured freedom of conscience on condition that they obey the laws, be loyal to the Proprietary, and pay the quit-rents. The Virginia Puritans accepted. Hence they were permitted to manage their own affairs, religious and secular; and to send burgesses to the Assembly. Their largest settlement was known as Providence on the Severn.²⁹

A controversy between Lord Baltimore and the Jesuits which occurred during this period has become the subject of much discussion. In recent years certain historians³⁰ have cited this contention as a proof that Cecilius Lord Baltimore established and maintained the principle of separation of Church and State. Later research undertaken by Reverend Thomas Hughes, S.J., presents views that differ substantially from those of former historians. The dispute between the Jesuits and Cecilius Baltimore originated in 1638 when the Maryland Assembly rejected a code of laws sent over by the Proprietary for ratification. The protests of the Jesuits began in the year in which the Assembly ratified the second code which deprived the Order of the right to accept land without a special grant from the Proprietary. The Jesuits, Fathers White and Altham and later Father Copley, had come to Maryland as missionaries, and since no provision was made for their

²⁹ Browne, op.cit., 74-75.

³⁰ Bradley T. Johnson, Wm. Hand Browne, J.V.L. McMahon, Matthew Page Andrews.

support, they were obliged to take up manor lands for their maintenance and follow the instructions of the first Conditions of Plantation. According to these Conditions a stockholder was allotted an acreage proportionate to the number of settlers he brought with him. Consequently, the Jesuits were entitled to a considerable amount of land.³¹ Evidently, the power to hold and acquire land was not a privilege; it was a right accorded them as colonists by the First Conditions of Plantation in 1633³² and by the charter itself.³³ The anti-mortmain laws of England, however, abolished the right of religious persons to hold property in perpetuity. The charter with its enabling clause had already restored this right.³⁴ Interposing, Cecilius Lord Baltimore announced that the Common Law of England should be the law of all colonists, lay or cleric, and that there should be no large estates held in mortmain in the province. The Assembly united with Baltimore in upholding his claims. Believing that this action would bring him into conflict with the Jesuits, the Proprietary took a decisive step. He brought the matter before the Sacred Congregation of the Propagation of the Faith and petitioned that it remove the Jesuits from the missions and grant a prefect and secular priests in their stead. The Propaganda issued an order to this effect. In November, 1641, the Lord Proprietary promulgated the new Conditions of Plantation to take effect in the following January, "and they put in actual

³¹ Hughes, Thomas, History of the Jesuits in N.A., I, 252; La Farge, J., "Some Aspects of the Jesuit-Baltimore Controversy", in Thought, March, 1930, 640.

³² Hughes, op.cit., 252.

³³ Ibid., 237-38.

³⁴ Ibid., 240-41.

operation in Maryland all the provisions and prohibitions of all the statutes of Mortmain, which had been enacted in England before that time".³⁵ The "Conditions" comprised six sections, two of which provided that no land be granted to or held in trust by any corporation, society, fraternity, municipality, or political body, ecclesiastical or temporal, without special license from the Proprietary. "And if perchance any such grant should happen to be given to or obtained by any Corporation, Society, ... for their use, interest ... or in trust for them without ... special license, ... then all such Grants of whatsoever lands ... so made ... shall be by the very fact void to all intent and purpose."³⁶ By this code all colonists were placed under the Common Law of England of 1641. Upon the reception of this document, a conference was held between the governor, Leonard Calvert, Secretary Lewger, and the Jesuits. The points raised during the discussion were submitted to the Provincial of the Jesuits in England and to the General at Rome. In order to preserve peace and to avoid greater evils the General advised the Jesuit missionaries to drop all claims to the land.³⁷

In attempting to solve this problem, some historians³⁸ hold that the Jesuits sought special privileges and lacked foresight, insisting on their supposed rights to acquire land. Father Hughes and Father La Farge maintain that the Jesuit missionaries asked for such privileges as they were entitled to by the Common Law of England and to the degree in which such privileges were necessary for their maintenance.³⁹ As to their lacking

³⁵Johnson, op.cit., 64.

³⁶In Stonyhurst MSS. Anglia No 108a Vo. IV. cited by Johnson, 67.

³⁷La Farge, op.cit., 642; Hughes, op.cit., 557-59.

³⁸W.T.Russell and M.P.Andrews.

³⁹La Farge, op.cit., 667; Hughes, op.cit., 255-57.

foresight by insisting on their right "of corporate ownership or property for religious and educational purposes," Father Hughes and Father La Farge hold that the Jesuits "were exerting the maximum of foresight in accordance with what history has shown to be the requisites of civilization".⁴⁰

It cannot be denied that a grave injustice was done the Jesuits who had accepted the land in good faith and who had no other source of maintenance. The Jesuit-Baltimore controversy can hardly be considered an illustration of Baltimore's idea of separation of Church and State. The study of the issue brings to light an apparent conflict between two possible interpretations of the term Common Law. The Maryland Charter interprets it as including all liberties and privileges found in ancient as well as later legislative acts of England. Cecilius Lord Baltimore, evidently, ignored the property rights to which Religious Communities were entitled by the early legislative acts of England and considered them in the light of the statute books of 1641.⁴¹

While the province was harassed by these disputes, civil war broke out in England. Its effects were soon felt in the New World. In Maryland as in other places the colonists took sides for and against the king. In 1644 Ingle and Clayborne of the Puritan faction invaded St. Mary's, seized, and plundered it. For two years the province remained in their hands. When Ingle was prosecuted for his robberies, he averred that he had performed these actions for conscience' sake and that he had plundered "papists and malignants" in order to relieve distressed Protestants. Missionary stations

⁴⁰La Farge, op.cit., 667.

⁴¹Hughes, I, 237-66; 404-46; 451-54; 477-539; 555-62; II, 16-49; 624-31; La Farge, 638-67.

were destroyed and the venerable Father White was sent to England in chains. In December, 1646, Calvert who had fled to Virginia, returned with an armed force, drove out Ingle and reestablished his own authority. Thus ends the period which had been for the most part tranquil, the golden era of Maryland.⁴²

The foregoing account shows that from 1634 to 1647 with the exception of the interval of Ingle's occupation, no one in Maryland was molested on account of his religion. Baltimore's policy, that all Christians should be tolerated and that all subjects should enjoy the benefits of English liberties, was maintained throughout the period. Baltimore's instructions, proclamations, and "Conditions" were faithfully carried out. Records bear no trace of religious differences before 1644. The two minor exceptions, the Lewis affair and the Gerard case, confirm the fact. Religious liberty as found in this province was not a formal or constructive freedom, "it was a freedom of the most practical sort".⁴³

⁴² Browne, op.cit., 57-63; Johnson, 96-100.

⁴³ Davis, op.cit., 36.

Section Two

Religious Toleration in Maryland from 1647-1660

Peace again reigned in Maryland. Leonard Calvert resumed his office as governor. But he was not destined to live to enjoy the fruits of his labors. He died June 9, 1647, at the little capital, St. Mary's, which he had founded seventeen years before, and where he had long exercised the highest executive and judicial functions with wisdom, moderation, and fidelity. There is no record of any case of persecution during his administration. His maxim was, "Peace to all - Proscription to none."⁴⁴ On his deathbed he named Thomas Greene, a Catholic and royalist, as his successor.⁴⁵

In view of the political agitation in England brought about by the downfall of the monarchy and the subsequent creation of a military rule, Lord Baltimore felt constrained to reorganize his government in the province on principles that might satisfy all reasonable demands at home and at the same time compose the factions that had developed in Maryland. The measures that matured consisted of "Commissions, official Oaths, Conditions of Plantation, and a body of sixteen laws,"⁴⁶ containing all the rights, franchises, liberties, and guarantees of Englishmen, many of which were no longer enjoyed in England. Calvert prepared these measures in 1648 and intended them to be perpetual. Removing the Catholic governor, Thomas Greene, the Proprietary appointed in his stead a Protestant, Captain William Stone of Virginia, and

⁴⁴ Davis, op.cit., 38.

⁴⁵ Brantly, op.cit., 553.

⁴⁶ Johnson, op.cit., 113.

gave him three Protestant councilors, Captain John Price, Thomas Hatton, and Robert Vaughan, and two Catholics, Thomas Greene and John Pile. To insure the cardinal principles of his government, Lord Baltimore prescribed that stone and his chief officers take the significant formal oath which secured the continuance of liberty of conscience and full toleration to all persons who professed belief in Jesus Christ. The oath was so worded as to bind the individual taking it to refrain from molesting any Christian, in particular a Roman Catholic because of his religion. A clause, added to the oath of the governor, laid down the rule that in the appointment of officers, no regard was to be taken of religious preferences. The new Conditions of the Plantation provided for the enforcement of the Statutes of Mortmain.⁴⁷

Thomas Hatton, the new secretary, was entrusted with these measures of reorganization and charged with the duty of putting them into operation. On April 2, 1649, he took possession of the records in Maryland. The Assembly met on the same day. During its session it enacted a number of laws, some of which belonged to the "Sixteen Laws". The following year, April, 1650, the Assembly adopted the rest of the laws sent over by his Lordship. The first measure passed was the Act concerning Religion;⁴⁸ it was enacted, April 21, 1649, and was confirmed by Lord Baltimore on August 26, 1650.⁴⁹ This "Act concerning Religion" prescribed the death penalty for the crime of

⁴⁷ Ibid., 113-15.

⁴⁸ In his Foundation of Maryland, page 147, Johnson writes that it seems very probable, if not reasonably certain, that Father Henry More, Provincial of the Jesuits in England, was either the author or the inspiration of the author, of the Act concerning Religion.

⁴⁹ Johnson, 116-17.

blasphemy against any Person of the Holy Trinity; fines for reproachful use of words concerning the Blessed Virgin or the Apostles; penalties for the use of epithets against persons in matters of religion. It provided further that no one, professing belief in Christ, should be in "any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof". The profanation of the Lord's day by swearing and working unnecessarily was also forbidden.⁵⁰

This act placed Baltimore's original policy on the statute books of the colony. It was the confirmation and ratification of his pledge and the Conditions of Plantation for liberty of conscience by the freemen of the General Assembly. In the face of the dangers which threatened Catholics during this critical period, one may reasonably conclude that this measure was intended to be for the founders and Catholics of Maryland a protection and guarantee of what had hitherto been a custom in the colony. Before 1649 toleration was an unwritten law, now toleration became a legal act. Catholics in the colony felt their power waning, although the majority in the Assembly according to Davis, were Catholics. He writes "It can be proved from records, that of the fourteen, eight (including Mr. Thornborough) were Roman Catholics; and six (with Mr. Browne) were Protestants."⁵¹ Moreover, there is good reason to believe that the members of the legislature took this occasion to perpetuate for themselves the privilege which they had so liberally accorded to every one in the colony without reference to creed. While the

⁵⁰ Archives of Maryland, op.cit., I, 244-47.

⁵¹ Davis, op.cit., 138.

Act of 1649 did not grant complete toleration, still there is no record in existence to prove that any man was molested under Baltimore's rule because of his religion. Records show, however, that when the Proprietary's power was overthrown, persecution broke out, and was checked as soon as the Calverts were reinstated.

One result of the act of 1649 was a large influx of Puritans. So happy were the newcomers and the Protestant settlers in Maryland that they issued a "Declaration" publicly proclaiming that they were enjoying freedom and liberty in the practice of their religion under his Lordship's government and interest.⁵² In the same year Charles I was executed and the monarchy gave place to the Commonwealth. The Proprietary evidently acquiesced in the new order and it seemed that the storm would leave Maryland untouched. In 1651, however, Parliament passed an act authorizing an expedition to reduce to obedience not only Virginia who had declared herself in favor of the royal party, but also Maryland. Lord Baltimore meanwhile labored indefatigably for the preservation of his province, offering indisputable proof of his previous support of the Parliamentary cause. He called attention to the "Declaration" in his favor by the Protestants of Maryland. Consequently, Maryland was not to be included in the instructions sent to the commissioners who were to reduce the rebellious colonies. In March, 1652, the commissioners came to terms with Governor Berkeley in Virginia, and then turned their attention to Maryland. They displaced Governor Stone but reinstated him in June on condition that all writs and proclamations be issued in the

⁵² Andrews, op.cit., 113.

name of the Keepers of the Liberties of England and not in that of the Proprietary.⁵³

Then an event occurred in England which Calvert judged most auspicious for the reassertion of his authority in Maryland. Cromwell had driven out the members of the Long Parliament and proclaimed himself Lord Protector. Governor Stone immediately declared in favor of Cromwell, and in a proclamation stated that the Proprietary government existed in virtue of the charter and was held under the Protectorate. Accordingly, Lord Baltimore directed Stone to exact the oath of fidelity to the Proprietary and to issue all future writs and processes in his name. Stone issued a proclamation to this effect in 1654, and further, renounced the "reducement" as settled by the commissioners in 1652.⁵⁴

These orders and old scruples gave rise to dissatisfaction among the Puritan element. They revolted against all authority exercised under the Lord Proprietary. Turning to the commissioners, the Puritans sent to them petitions in which they complained that the oath required of them was a real grievance and an oppression which they could not bear. The commissioners, Bennett and Claiborne, acting under their old authority, mustered a force drawn partly from Virginia and partly from Maryland, and advanced against St. Mary's. Captain Stone was deposed. Fulton, a Puritan of Providence, with a body of Puritan councilors took possession of the government, Maryland had again passed out of the hands of Lord Baltimore. This occurred

⁵³ Browne, op.cit., 72-77; Brantly, op.cit., 535-38; Bozman, op.cit., II, 378-448.

⁵⁴ Andrews, op.cit., 121-24; Brantly, op.cit., 538; Bozman, op.cit., II, 495-507.

in August, 1654.⁵⁵

The question which naturally arises at this point is what was the religious status during this time? Records of the colony testify that when Maryland extended toleration to them, the Puritans of Virginia migrated into the province in larger or smaller groups. In 1649 three hundred found their way into the province. As their number grew, dissatisfaction, bigotry, fanaticism and intolerance became more and more manifest among them. The atmosphere of intolerance that pervaded the period is seen in the account of the Gardiner case. Eleanor Hatton, niece of Thomas Hatton, secretary of the province, had placed herself under the care of a certain Luke Gardiner, a Roman Catholic, according to some a priest. After the death of the young lady's father, her mother married Mr. Richard Banks, but Miss Hatton remained with Mr. Gardiner. Both Thomas Hatton and the mother reported to the governor and the council that they suspected that Luke Gardiner was detaining the girl in order "to train her up in the Roman Catholic religion, contrary to the mind and will of her said mother and uncle, who had often demanded her of the said Luke, who refused to return her to either of them".⁵⁶ The record of the writ states further that Gardiner's dealing was not only a great affront to the government and an injustice to the girl's mother and uncle, but likewise "of very dangerous and destructive consequences in relation to the peace and welfare of this province".⁵⁷ This latter phrase is an indication of the Puritan attitude toward instruction in the Catholic faith.

⁵⁵ Browne, op.cit., 78-80.

⁵⁶ Bozman, op.cit., II, 493.

⁵⁷ Ibid., 493.

These Puritans were availing themselves of the legislative authority of the mother-country which forbade instruction in the Catholic religion.⁵⁸ The admission of Puritans into the colony "together with the unfortunate coincidence of events in England, where these Puritans had seized on the supreme power, gave the death blow to the Roman Catholic interest in Maryland".⁵⁹ The subsequent history of the province reveals the fact that after this period, Catholics never regained their former influence, although they often formed the majority.

Reverting to the government of Maryland under the Puritan regime, we find the following legislative acts pertaining to religion. The commissioners of the government called a General Assembly in 1654; Roman Catholics were declared ineligible for the office of burgess. The first business of the Assembly was to repeal the Act of Toleration of 1649 and to pass a new "Act concerning Religion", which declared that no one who professed and exercised "the Popish religion" could be protected in the province, but was to be restrained from the exercise thereof. It stated further that liberty was not to be extended to "popery nor prelacy" nor "such as under the profession of Christ hold forth and practice licentiousness". Consequently, Roman Catholics, Anglicans, Brownists, Quakers, Anabaptists, and other sects were denied toleration.⁶⁰ The Court Proceedings of 1649-57 attest to the truth that these provisions were enforced. In 1655 Robert Clarke professed his faith as a Catholic and was fined ten thousand pounds of tobacco.⁶¹ The

⁵⁸ Ibid., 493-94.

⁵⁹ Bozman, op.cit., II, 495.

⁶⁰ Browne, op.cit., 80.

⁶¹ Archives of Maryland, Judicial and Testamentary Business of the Provincial Court, 1649-57, X, 425.

records of the same year note the names of three other Catholics who were subjected to fines.⁶²

Lord Baltimore was not indifferent to these proceedings. He appealed to Cromwell and remonstrated with him. The Protector wrote to Governor Bennett and censured him in sharp terms for having gone into Baltimore's plantation, and "countenanced some people there in opposing the Lord Baltimore's officers"; for having "disturbed that colony". Bennett was ordered "to permit all things to remain as they were ... till said differences ... be determined by us [Protectorate]".⁶³

Indignant at the surrender of Stone, Baltimore rebuked him and directed him to resume his office. This reproof stirred Stone to action. Gathering a force he advanced toward Providence. Captain Fuller, the leader of the Puritans, met him and with the aid of Puritan vessels from the neighborhood badly defeated him. The victors seized the records and the great seal and then proceeded to confiscate the property of the governor's party. The missions were broken up and despoiled, the missionaries arrested or forced to flee.⁶⁴

Once more Lord Baltimore appealed to the Protector, this time to complain against Bennett and Claiborne for the massacre at Providence; again his rights were confirmed. The Proprietary renewed his instructions to Fendall, whom he had appointed governor shortly before, and sent out his brother Philip Calvert, as secretary. On November 30, 1657, a Virginian

⁶² Ibid., 426-29; Thomas Mathewes, Wm. Boreman, John Dandy.

⁶³ In Thurloe Papers, I, 724, quoted by Russell, 233-34.

⁶⁴ Browne, op.cit., 81-83.

Commissioner while in England, made an agreement with the Proprietary in Bennett's name. Accordingly, the Puritans surrendered all they had gained. The agreement further stipulated that the Toleration Act of 1649 should never be repealed. Moreover, the persecution act of the Assembly of 1654, the first of its kind ever passed in Maryland, was declared void — Baltimore's rights were conceded and his authority was reestablished throughout the province.⁶⁵

Hardly had Josias Fendall assumed his governorship when he intrigued for independent tenure. Lord Baltimore, however, hearing of his actions, evicted him and on December 11, 1660, put Philip Calvert in control as governor.⁶⁶ Thus ended the Puritan regime in Maryland.

During the period from 1647-1660 the Proprietary was twice deprived of his authority. From 1654-1658 his control was usurped by the Commonwealth and put into the hands of Puritan Commissioners. It has been shown that the Puritans were loathe to concede to others the rights and privileges which they had so gladly accepted from the Catholic Proprietary. It has also been pointed out that Lord Baltimore was ever ready to grant perfect freedom of conscience to Puritans, as well as to all others who professed belief in Jesus Christ. Did any sect that did not profess belief in Christ venture to settle in Maryland? If so, were the punishments laid down in the Act of 1649 meted out to them? "By way of answer, the records of the province show that prior to 1649 there were sundry individuals in the province unattached to any sect."⁶⁷ As to Jew or Gentile there is no record of

⁶⁵ Ibid., 87-89; Johnson, op.cit., 151.

⁶⁶ Johnson, op.cit., 151-53.

⁶⁷ Andrews, op.cit., 95.

official persecution on account of any religious belief or lack thereof -- from the founding of Maryland to the beginning of the period of Puritan control under the regime of the Commonwealth.⁶⁸ The Records of the Provincial Court of 1658 bear evidence of the presence of a Jew in the colony. Dr. Jacob Lumbrozo is supposed to have been the first Jew in the province. He was charged with "uttering words of blasphemy against our Blessed Savior Jesus Christ," by the Quakers Richard Preston and Josias Cole. Subtle methods and devious ways were used to entangle Lumbrozo, apparently that he might be brought within the pale of the law of 1649 which made blasphemy punishable by death. After the first trial, Lumbrozo was ordered to appear at the next Provincial Court to "make answer to what shall be laid to his charge".⁶⁹ Fortunately, before the trial was completed, Cecilius Calvert regained control of the province and, notwithstanding the law of 1649, granted him full pardon with the rights of citizenship.⁷⁰ Nor did the colonists object to this decision at this time nor ever afterwards. Five years later we find the Hebrew acting on a jury.⁷¹

The foregoing facts prove that during this period, the Catholic tolerated all sects, while the Puritan, whenever he was in power, excluded not only the Catholic, but all others that did not agree with him.

⁶⁸ Ibid., 95.

⁶⁹ Proceedings of the Provincial Court, 1658-62; XLI, (3), 203.

⁷⁰ Archives of Maryland, Proceedings of the Council, 1636-67, III, 488, 470.

⁷¹ Archives of Maryland, Proceedings of the Provincial Court, 1663-66, XLIX, (4), 156.

Section Three

Religious Toleration in Maryland from 1660-1700

This period in the history of Maryland embraces the years during which the government was restored to the Proprietary and continues to the year 1700, eight years after the colony had become a Royal province. As in England so in Maryland the Puritan power had been broken, and, although certain unsavory events hint at the Puritan atmosphere that still existed, yet Puritanism "never again obtained the ascendancy". From 1660 to 1689 the colony enjoyed full religious liberty and the Proprietaries, Cecilius and Charles Calvert, wisely and justly administered the government. The year 1689 marks the downfall of the Catholic regime. The English government seized the province and held it until 1715 when it was restored to Benedict Leonard Calvert, a Protestant.⁷²

Fendall's aspiration to the dominion of the province, and his consequent attempt to overthrow the government of the Proprietary and change it into a Commonwealth in 1660, was quickly averted by the prompt action of Cecilius Calvert. The commission of his brother Philip to the governorship⁷³ caused the conspiracy to collapse. Philip had been in office only one year when Charles Calvert, only son and heir of Lord Baltimore, was sent to the province as governor, and Philip was appointed deputy-lieutenant and chancellor of the province.⁷⁴ It has been said of Charles that he lacked the firmness and constancy of his father, but that he possessed a full share of

⁷² Andrews, op.cit., 225.

⁷³ Archives of Maryland, op.cit., III, 391-92.

⁷⁴ Browne, op.cit., 104.

his justice, humanity, and thoughtful care for the interests of the province.⁷⁵ The early annalists are silent as to the affairs that happened during the first decade of his administration, which may be taken as an indication that nothing noteworthy occurred and that the province enjoyed peace.

George Alsop, who had been an indentured servant in Maryland, wrote a tract in 1666 on the "Character of the Province of Mary-Land". His observations present the point of view of a keenly intelligent sojourner in the colony. He dwells at length on the freedom with which the inhabitants of the province were allowed to express their religious opinions. He writes:

"I really believe this Land or Government of Mary-Land may boast, that she enjoys as much quietness from the disturbance of Rebellious Opinions, as most States or Kingdoms do in the world: For here every man lives quietly, and follows his labour and imployment desiredly."⁷⁶

Alsop wrote his comment shortly after the Proprietary had regained control of his province. It was during this time also that Cecilius manifested his generous spirit toward alien nationals by taking steps to smooth their way for "denization".⁷⁷ The first naturalization enactment in the province made the children of Captain James Neale, born in Spain and Portugal, citizens of Maryland. On September 10, 1663, Jacob Lumbrozo, a Jew, received "letters of denization" and in 1664 he acted as juror to try the prominent citizen Dr. Luke Barber who was charged with defaming the character of Elinor Spinke.⁷⁸ Subsequent acts of the Assembly of 1666, 1669, and 1671

⁷⁵ Ibid.

⁷⁶ Alsop, George, "Character of the Province of Maryland", in Hart, American History Told by Contemporaries, II, 269.

⁷⁷ Andrews, op.cit., 145.

⁷⁸ Archives of Maryland, op.cit., I, 521.

admitted a number of persons of widely different nationalities to citizenship in the province and granted them all the rights and privileges of Englishmen.⁷⁹

Down to the English Revolution of 1688 and the subsequent overthrow of the Proprietary government, several religious sects were represented in Maryland. There were also a number of settlers who were not allied to any particular denomination. The Presbyterians, for example, appeared in the province in the latter half of the century. Of one of their first ministers, Francis Doughty, an historian writes: "It is a pleasure to note that the liberty of conscience which he had so long sought, but sought in vain, Doughty at last found in the liberal religious policy which made Maryland a place of refuge for all victims of ecclesiastical tyranny."⁸⁰ The Presbyterians flourished in Somerset County. In his report of 1697 Governor Nicholson notes that this County had no "Papist Priest, lay brothers, or any of their chapels, and no Quakers"; but that the Presbyterians had at least three places of worship.⁸¹

The tolerant regime of the Lords Baltimore is noted also for the advent of the Labadists. These people had lived in the Netherlands, but even here they were looked upon with suspicion. After various expulsions, the little community found a resting-place at Wieuwerd in Friesland.⁸² In 1679 they sent two missionaries, Peter Sluyter and Jasper Danckaerts to the

⁷⁹ Andrews, op.cit., 145-46; Browne, op.cit., 91.

⁸⁰ In J.W.McIwaine's Early Presbyterianism in Maryland cited by Andrews, 154.

⁸¹ Andrews, op.cit., 186.

⁸² Journal of Jasper Danckaerts, xxiii.

New World in search of a suitable place for the establishment of a colony. Danckaert's Journal, still extant, records that they landed in New York, where they met Ephraim Herman, whom they converted, and then found their way to Maryland. Undoubtedly, the spirit of toleration in the province and the physical advantages of the place led them to determine upon a site in this locality. Subsequently, they obtained the gift of a large portion of land on Bohemia Manor from Augustin Herman, the father of Ephraim. Here the Labadists established a communal colony. Sluyter ruled them with an iron hand until his death in 1722. Five years later the community had passed out of existence. The Labadists evidently prospered in their adopted home for a period of forty-three years during which time they were partakers of the toleration and protection extended to all in Maryland.⁸³

The history of religious toleration in Maryland would not be complete without an account of the Quakers in the province. These unfortunate people found it difficult to secure a resting place in the New World. Persecution against them was widespread throughout the colonies. Everywhere save in Maryland they were subjected to all kinds of cruelties. This statement is verified in the account of Wenlocke Christison, a famous Quaker of colonial days. In the New England colonies his name is connected with persecutions and wanderings. In Boston he was imprisoned for teaching the doctrine of Quakerism. Having served his term, he went to Plymouth where he was not only imprisoned, but starved, whipped, and finally banished under pain of death. He failed to find happiness in New Hampshire, and although

⁸³ Ibid., xviii-xx; Russell, 266-67; Browne, 134-37.

he was not actively prosecuted in Rhode Island, it seems that he was discontented in the colony of Roger Williams.⁸⁴ About the year 1670 he arrived in Maryland where six years later he became a member of the House of Burgesses. The account of his life shows that there he lived in peace and happiness. The first Quaker missionaries, Josiah Cole, Thomas Thurston, and Thomas Chapman appeared in Maryland in 1657. In the early part of 1659, three others of the sect, William Robinson, Christopher Holder, and Robert Hadgson visited the province. During Fendall's administration in 1659 the governor issued orders directing Justices of the Peace to seize the Quakers of their district, arrest them and cause them to be whipped from constable to constable out of the province. However, there is no evidence that this penalty was enforced, nor that it was sanctioned by the Proprietary. In a manuscript letter of William Robinson dated 1659, it is related of Thomas Thurston who had returned from New England to the colony, that he was arrested and sentenced to imprisonment. Records of the Council of Maryland furnish the account of the charges against Thurston. This warrants the inference that his conduct was of such aggressive character as to induce civil authorities to interpose, and it is not improbable that he was the cause of the harsh order issued by the governor. Moreover, it is to be found in the Archives that he was released on the representation that the law specified Quakers "not inhabitants of the Province" and at the time the order was issued "he was within the Province and consequently, not within the letter of the law".⁸⁵

⁸⁴ Andrews, op.cit., 137.

⁸⁵ Archives of Maryland, op.cit., III, 364.

He was not punished, but was compelled to leave the province.⁸⁶

The Quakers were never persecuted in Maryland. Punishments meted out to some were occasioned not by antagonism of the people to their religious belief but because they deliberately "defied the government, stirred up sedition, and refused to conform to the established customs of colonial life...".⁸⁷ It was for these reasons only that during the Fendall regime severe laws were recorded against them. After the suppression of Fendall's rebellion, there was no persecution of the Quakers.⁸⁸ On the contrary, every consideration was shown to them. In 1674 the Quakers laid a petition before the House asking to be exempted from taking oaths.⁸⁹ The dispensation was not granted. In 1688, however, Charles Lord Baltimore issued a proclamation dispensing the Quakers from the customary oath, when they acted as administrators and executors.⁹⁰ In 1702 it was enacted that the Quakers be fully relieved of this obligation.⁹¹

The year 1675 marks the death of the first Proprietary, Cecilius Calvert. The last fifteen years of his administration manifest a successful development of his benevolent plan to colonize without persecution. For forty years he had guided the province, and while he was in control, religious liberty was the law of the land. To confirm this statement we need but

⁸⁶ Norris, J.L., The Early Friends in Maryland, 5-9.

⁸⁷ Russel, op.cit., 259.

⁸⁸ Ibid., 253-60; Andrews, op.cit., 138-39.

⁸⁹ Archives of Maryland, Proceedings and Acts of the General Assembly, 1666-76, II, 355-56.

⁹⁰ Ibid., XIX, 155.

⁹¹ Norris, op.cit., 18-19; Russell, op.cit., 252-261.

refer to the historian Grahame, who writes:

It was his constant maxim which he studiously inculcated, that by concord a small colony may grow into a great and renowned nation; but that by dissension, mighty and glorious kingdoms had declined and fallen into nothing."⁹²

Happily, he lived to see his little colony overseas wax and grow strong, and witnessed his province become in truth the "Land of Sanctuary".

By his own acts and in the language of historians Cecilius has come down to us as the exponent of religious liberty and respect for the rights of people. "Never (says Dr. Ramsay) did a people enjoy more happiness, than the people of Maryland under Cecilius, the father of the province."⁹³ Chalmers, the discreet annalist, thinks that on his tombstone ought to be engraved: "that while fanaticism deluged the empire, he refused his assent to the repeal of a law, which in the true spirit of Christianity, gave liberty of conscience to all."⁹⁴

On the death of his father, Charles Calvert became third Lord Baltimore and second Proprietary of Maryland. His experience of fourteen years as governor of the province had acquainted him with its wants and interests. He was quick to perceive and generous to adopt such measures as appeared necessary or conducive to the welfare of the colony.⁹⁵

Notwithstanding the justice, kindness, and tolerant spirit of the Proprietary, restless spirits arose and sought to disturb the peace of the

⁹²In Grahame II, 35, quoted by Russell, 313.

⁹³McMahon, op.cit., 221.

⁹⁴Chalmers, Political Annals, 353.

⁹⁵McMahon, op.cit., 221.

colony. In 1676 an Anglican clergyman, Reverend John Yeo, sent a letter of complaint to the Archbishop of Canterbury. He represented Maryland as being in a deplorable condition. The principal complaint made was the absence of an established ministry. He said that the priests were provided for, the Quakers took care of their speakers, but no care was "taken to build up churches in the Protestant religion".⁹⁶ Charles Calvert left for England during the same year and was called upon to defend himself and his colony. He presented "A paper setting forth the Present State of Religion in Maryland". In it the Proprietary endeavored to show that by the Toleration Act of 1649 religious freedom was granted to all; that each denomination was at liberty to provide for its ministers; and that in every county there were a sufficient number of churches and meeting houses to satisfy the demands of the people. Moreover, he argued, since the Presbyterians, Independents, Anabaptists, and Quakers formed the greater part of the inhabitants, while the members of the English Church and Roman Catholics constituted the minority, it would be very difficult to impose on the various denominations the obligation of supporting a Church different from their own. Most of the Protestants of the province repudiated the sayings of Yeo and in 1682 substantiated the statements of Lord Baltimore by a "declaration" prepared by the leading Protestants. They declared that in regard to religious freedom, they could offer no complaint.⁹⁷ The committee of trade and the plantations advised Lord Charles to support the Church of England, but he declined. Thus ended the first effort to create an established Episcopal Church. Lord

⁹⁶ Ibid., 215.

⁹⁷ Andrews, op.cit., 174; Russell, op.cit., 324-32.

Charles returned to Maryland in 1680 and resumed the governorship.⁹⁸

A year later the restless Fendall in conjunction with John Corde attempted to instigate a rebellion. Again he failed. The Proprietary governed his colony in person during the next four years. In 1684 he returned to England. Before his departure he appointed William Joseph lieutenant governor and his infant son nominal governor. When the Proprietary reached England, he realized that he had made an unfortunate choice and that as a result his province was in great peril. In April, 1687, a writ of quo warranto was issued against the charter of Maryland.⁹⁹ The political conflict in England had assumed a religious aspect. Calvert and his friends found themselves in difficulty. Political and personal enemies of the Proprietary in Maryland took advantage of the situation. Shortly after the writ of quo warranto had been issued, an Assembly was called. The lieutenant governor presided and delivered an address which was in substance an argument for the divine right of kings. His address abounded in Puritan homilies. Its whole tenor conflicted with the ideas of religious liberty established by Cecilius Calvert and the ideas of self-government established by the people with the consent of the first Proprietary.¹⁰⁰

In the meantime the Revolution of 1688 occurred in England. The news of it awakened latent dissensions in the province. Rumors arose that "a Catholic government, upheld by Catholics, had joined themselves with the Indians for the murder of all Protestants in Maryland";¹⁰¹ Indian massacres

⁹⁸ McSherry, History of Maryland, 92.

⁹⁹ Ibid., 92-93.

¹⁰⁰ Andrews, op.cit., 176.

¹⁰¹ Russell, op.cit., 336-37.

were reported. This alarming news which spread throughout the colony was without foundation. But the mischief had been done. The once peaceful, happy province became submerged in discontent, fear, and uncertainty. Meanwhile, William and Mary were proclaimed rightful rulers of the kingdom. The Lord Proprietary immediately dispatched a messenger to the colony with orders to proclaim the new sovereigns. Unfortunately, these instructions did not arrive in Maryland in due time. The delay brought affairs to a crisis. John Corde, the intriguer of 1681, headed "An Association in Arms for the Defense of the Protestant Religion and for Asserting the Right of King William and Queen Mary to the Province of Maryland and all the English Dominions", April, 1689.¹⁰² Three months later Corde and others seized St. Mary's, the capital, drove the deputies to the garrison of Mattapany, and finally compelled them to surrender. The associators stipulated that the persons in the garrison were free to return to their home, but no Roman Catholic could hold office in the province.¹⁰³

The first act of the associators was to call a convention of the people. They drew up a declaration of accusations against Lord Baltimore and the government and sent it to the king who readily sustained their acts. Eager to maintain control of the government, the revolutionists urged the King of England to take matters into his own hands. On the plea of "political necessity" the Crown assumed the government and in 1691 appointed Sir Lionel Copley, first Royal governor.¹⁰⁴

¹⁰²Chalmers, Political Annal, 273.

¹⁰³Russell, op.cit., 341.

¹⁰⁴McSherry, op.cit., 95.

Thus Lord Baltimore was deprived of his Proprietaryship. His territorial rights, however, were respected. Under this regime, his prerogatives were reduced to those of a landlord. According to the opinion of Lord Chief Justice Holt, Lord Baltimore was entitled only "to the rents of his estates, the quit-rents of the tenants, and import duties on tobacco".¹⁰⁵ From this time till his death in 1715 Lord Baltimore withdrew from public life. It had been his earnest endeavor to perpetuate his father's principle of toleration in matters of religion. But religious liberty came to an end with the change of government.

The Assembly of 1692 convened. It acknowledged the sovereigns William and Mary and thanked them for deliverance from "a Terrannicall Popish Government under which we have so long Groaned".¹⁰⁶ Their next act made the Episcopal Church the established Church of the province. This act with a modification remained on the statutes till the Revolution. In 1702 a toleration clause was added. Protestant Dissenters and Quakers were favored with exemption from penalties and disabilities but no exemptions were provided for "Papists".¹⁰⁷

We distinguish three types of toleration practiced in Maryland during the seventeenth century. First, toleration, as granted by the Proprietaries, which insured to all Christians liberty of conscience, equality before the law, and the privilege to choose their own ministers. It lasted

¹⁰⁵ Andrews, op.cit., 181.

¹⁰⁶ Archives of Maryland, op.cit., XIII, 315.

¹⁰⁷ Browne, op.cit., 185.

fifty years. Second, toleration under the Puritans, which was extended to all but Catholics, Prelatists, and those whose doctrines were objectionable to the Puritans. It was in practice six years. Third, toleration under the Anglicans, which recognized members of the established Church, "connivance for Dissenters, penal laws for Catholics, and for all the forty per poll".¹⁰⁸ It was established eight years before the close of the seventeenth century and existed until the Revolutionary War.¹⁰⁹

The foregoing facts confirm the statement made by the historian McMahon: "Thus the toleration of the Protestant dissenters was fully and finally secured; and thus in a colony, which was established by Catholics, and grew up to a power and happiness under the government of a Catholic, the Catholic inhabitant was the only victim of religious intolerance".¹¹⁰

Summarizing, we find that from 1634 to 1647 there existed real toleration. An atmosphere of peace pervaded the entire period. Religious liberty was not promulgated by statutes. It was enjoyed as a result of the policy of George and Cecilius Calvert, the cooperative spirit of the governor in the colony as well as that of the legislature, and the early colonists themselves. The next period is identified with the first enactment touching on toleration. The act of Religion passed in 1649 did not grant

¹⁰⁸ Ibid., 186.

¹⁰⁹ Ibid., 185-86.

¹¹⁰ McMahon, op.cit., 246.

absolute toleration but it did provide for a large share of toleration. The act of Religion of 1654, passed under the Puritan regime, excluded Catholics, Quakers, and Dissenters. When Lord Baltimore regained possession of the government he ordered that the act of 1649 be revived, and announced that he should never consent to its repeal.¹¹¹ The strife that occurred between the various sects during the civil war in the colony resulted in a feeling of intolerance and dissatisfaction especially among the Puritans, and evidently culminated in the Protestant Revolution of 1688. The period from 1660 to 1700 was partly tolerant, partly intolerant. As long as the Calverts controlled the government, religious liberty was safeguarded, but as soon as they were stripped of their powers and rights, tolerance was restricted. It was during this period that Charles Calvert lost his rights as Proprietary, that Maryland became a Royal province, and that the Church of England became the established Church of the colony.

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Archives of Maryland, op.cit., I, 325, 334.

CONCLUSION

In this comparative study the writer has endeavored to trace first, the attitude of the founders of Rhode Island and Maryland toward the principle of religious toleration, and second, the practical application of this principle in the respective settlements during the seventeenth century. A brief summary of the results obtained is presented below. The attitude of a founder toward religious toleration is greatly influenced not only by his character and personality but also by his religious convictions. It is best deduced from his external actions relative to the colony he has founded. In this instance it is interesting to note that both founders were born Anglicans but neither of them died as members of that church.

Roger Williams, the founder of Rhode Island, joined the Puritans at an early age. Later he became a Puritan Anglican, then a semi-Separatist, an extreme Separatist, a Baptist, and finally a Seeker. "... In the latter part of his life, he was not a professed member of any particular sect among Christians. ..."¹ Impulsive by nature, he adopted opinions spontaneously and changed them as quickly. Neither did George Calvert, the projector of Maryland, live and die an Anglican. At the age of forty-four he revealed his conversion to Catholicism which creed he prized so highly that he was willing to sacrifice his high office with all the emoluments, prestige, and influence that accompanied it, and this at a time when the rising tide of Puritanism seemed to be driving the Catholic Church out of the realm of

¹ In Ivirney's Life of Milton, 251, quoted by Knowles, Roger Williams, 12.

England. Lord Baltimore was sincere and consistent. Having adopted what he believed to be the true faith, he persevered in it to the end.

The character of George Calvert thus presents a strong contrast to that of Roger Williams. While the founder of Rhode Island was a man of vacillating moods and ideals, George Calvert was characterized by a strong will and sound judgment. He was a man of good sense, who was never obstinate in his opinions. He was as willing to hear the sentiments of others as he was to deliver his own.

History points to certain influences in England and America which prepared the way for the establishment of the two colonies. The persecution of dissenters in England forced many of them to seek a home elsewhere. Roger Williams was among the dissenters who sought protection in New England. Unfortunately, he could not adjust his angular views on religion to the accepted opinion of the community in which he lived. Not only did he give vent to his hatred for the established Church, but he also voiced his prejudice against the colonial Church, and denounced its customs and principles. His spirit of controversy was ever manifest. Considering him a menace to the colony, the Massachusetts Bay authorities banished him.

Roman Catholics also were among the persecuted in England. The Calverts, however, were exempt from the religious disabilities in force and suffered neither persecution nor banishment. The desire to alleviate their oppressed countrymen prompted them to found a colony in America where all should be free to practice their religion. Tacitly, George Calvert sanctioned both Catholicism and Protestantism in his settlement of Avalon. A broad policy of toleration prevailed for the first time in the New World.

Forced to abandon Avalon, he secured a charter which bestowed on him vice-regal powers for a more suitable locality north of the Potomac. The death of George Calvert did not defeat his purpose; his son Cecilius took up the plan. While Maryland owed its existence to a charter granted by royal favor Rhode Island could boast of no legal patent prior to 1643.

The history of religious toleration in Rhode Island and in Maryland during the seventeenth century admits of a threefold division; namely, the foundation and early days prior, approximately, to 1643, the two decades immediately after 1643, and finally, the latter part of the century, from 1660 until 1700.

Rhode Island traces its origin to the banishment of Roger Williams from Massachusetts. In 1636 he founded Providence, whose first settlers agreed on the policy of religious freedom for all inhabitants, but restricted the privilege of franchise to "such as the Major part of us shall admitt into the same fellowship of Vote with us".² This compact of 1636 was legalized and augmented by a provision for religious liberty made in 1640: "We agree as formally hath been the liberties of this town, so still to hold forth, liberty of conscience."³ In the town Pocasset, founded shortly after Providence, the settlers likewise drew up a compact based on soul liberty, granting freedom of worship to such only as professed to be Christians.⁴ An entry of September 17, 1641, records a law concerning liberty of conscience in point of doctrine which was to be perpetuated. The

² Chapin, H.D., Documentary History of Rhode Island, I, 76.

³ Staples, Annals, 41.

⁴ Callendar, Historical Discourse, IV, 212-213.

community of Pocasset was externally a theocracy. The theocratic government of the Jews as it existed at the time of Moses and Josue was its model and source. However, dissension soon arose among the inhabitants. Some leaned strongly toward Puritanism while others fostered more democratic principles. The Puritan faction seceded from Pocasset, removed to the southern part of the Island, and established the town of Newport.⁵ But here too according to Winthrop "they gathered a church in a very disordered way".⁶

The first charter of Rhode Island, which was granted in 1643, united these three colonies, but made no specific provision for religious toleration. During this period the Gortonists founded a settlement in Shawomet later known as Warwick. Gorton and his followers found peace nowhere. They were refused admission as townsmen in Providence; they were disfranchised at Newport; they were forced to found a colony of their own.

The Maryland province similar in principle yet so different in practice from Rhode Island, can point to no legislative acts in support of her claim to religious toleration as the basis of the state. This colony came into existence as a result of the failure of the settlement of Avalon. The founders George and Cecilius held a charter containing such liberal provisions as to enable the grantees to exercise powers as had never been given to an Englishman before their time. The colony was founded in 1634 and from the beginning enjoyed that complete liberty of conscience which had been promised by the Proprietary. The tolerant spirit of the Calverts entered the Ark and the Dove, as it were, moved along to the new settlement and

⁵Arnold, History of Rhode Island, 117-20.

⁶Winthrop, M.P., Journal, I, 299.

hovered over the province as long as a Lord Baltimore remained in power. All freemen, Protestants as well as Catholics, received the franchise and sat in the Assembly. From 1638 to 1642 all religious discussions tending to produce discord were tabooed and promptly punished. Only twice were the Lord Proprietary's instructions violated, in the Lewis case of 1638 and the Gerard case of 1642.

The tolerance thus enjoyed by Catholics and Protestants alike was extended to Puritans and Presbyterians who came to Maryland from Virginia and even to Jews from the Barbados.⁷ There is no evidence that any of these denominations were ever molested or discriminated against in any way, in spite of the fact that no laws to this effect had been enacted in the province.

The second period of the history of religious toleration in Rhode Island extends from 1643 to 1663, and in Maryland from 1647 to 1660. It provides ample opportunity for the application of the founders' principle. A number of concrete cases have been discussed in the respective sections of this paper. Briefly, we find that the statute books of Rhode Island emphasize religious toleration. Though the charter of 1643 made no definite provision for religious liberty, the frequent use of the word "civil" before the terms "government and laws" may be interpreted as forbidding legislators to interfere in religious matters. By a code of laws enacted May 19, 1647, all the settlements of Rhode Island were united and the principle of liberty of conscience was made a legal policy for the entire colony. These means to secure peace and happiness for individuals effected nothing. Contentions

⁷ Andrews, The Founding of Maryland, 157.

and feuds, disturbances and dissensions among the erratic inhabitants increased.

The Colonial Records of Rhode Island cite another instance in support of their claim to the establishment of religious toleration in the colony. In answer to a letter received from New England Commissioners urging Rhode Island to expel Quakers and forbid their entrance into the colony, the Assembly of 1657 held firm to its principle and refused to cooperate, saying that the principal ground of their charter was protection of freedom of conscience, and, further, that there was no provision on their statute books permitting punishment for expressing views concerning religion. The clerk of the Assembly, John Sandford, thereupon addressed a letter to Mr. Clarke, agent at the court of the Protector, in England, asking to plead their cause that "they may not be compelled to exercise any civil power over men's consciences".⁸

In theory, then, soul liberty was strongly advocated in the colony. But the history of Rhode Island during this period gives abundant evidence of the fact that theory and practice did not go hand in hand. The spirit of tolerance apparently did not pervade the colony. It is written of Roger Williams that he favored the measure advocating persecution of Quakers in Providence. In Portsmouth, however, Quakers were not molested. Richard Scott, a Quaker, who lived near Roger Williams, says of the latter, "he could be the forwardest to persecute against those that could not join with him in it" his religion.⁹

⁸Elton, Roger Williams, 119.

⁹Peterson, Early History of Rhode Island, 50.

The history of religious liberty in Maryland during the period from 1647 to 1660 shows that toleration was not based on laws made by the Proprietary in England or by the Assembly in America, although enactments pertaining to liberty of conscience were passed for the first time in its history. Previous to this period a spirit of tolerance and peace distinguished the colony from all others. Legal enactments would have been superfluous. Violations of the principle of religious liberty were unheard of during the first fifteen years of the settlement. The only exception was the invasion of the colony by Ingle and his followers.

Toleration was officially brought forward by the Proprietary only when the ideal of the founders was threatened. The Toleration Act of 1649 was the first legal enactment of the colony on the subject. This act by no means inaugurated liberty of conscience. It was rather a compromise between the Puritans whose power was rising and the Catholics and Anglicans whose influence was waning. It was, therefore, a necessary act. The wording of the act was not so liberal as was the policy of the Calverts, for the Act of 1649 embodied limitations on the exercise of complete toleration. Theoretically, protection was extended only to Unitarian Christians. Records show that during this period, while the Calverts held sway, neither Jew nor Gentile was persecuted because of religious beliefs. From 1654 till 1658 the Puritans controlled the government. Religious intolerance toward Catholics and other denominations at once became evident. They repealed the Toleration Act of 1649, and passed a new "Act concerning Religion". They denied protection and liberty to Catholics, who had offered a harbor to the oppressed Puritans. Thus in 1655 Robert Clarke, and other Catholics, were fined because they

professed their faith.¹⁰ In 1658 the government was restored to the Calverts and toleration again prevailed.

The years from 1633 till 1700 represent the third period in the history of Rhode Island. In 1663 Charles II confirmed the rights and privileges enjoyed under the charter of 1643. The new document contained a definite provision on the subject of religious liberty. It stated that "no person shall be molested, punished, disquieted, or called in question, for any difference in opinion in matters of religion".¹¹

A more liberal instrument could hardly be offered. Yet the letter without the spirit is dead. Chalmers writes in his Political Annals,¹² that when the General Assembly met, it took up the clause of the charter concerning religion and confirmed it by a legislative enactment. Despite the fact that the charter granted complete toleration, the Assembly disfranchised all Catholics and non-Christians. The authenticity of this law has been disputed by writers favoring Rhode Island, but records show that it was formally re-enacted five times and that it remained a law till 1783. The report of 1680 to the Board of Trade in England indicates an absence of Catholics in the colony: "... as for Papists we know of none amongst us".¹³ The Rhode Island Annals of 1695 have no record of Catholic citizens.¹⁴

The Quakers were among the persecuted denominations who sought shelter in Rhode Island where no law was directed against them. Roger Williams gave them a sanctuary, but not a peaceful one. Quakers and Catholics

¹⁰ Archives of Maryland, X, 426-29.

¹¹ Callendar, op.cit., 242-43.

¹² Chalmers, Annals, 276-79.

¹³ Arnold, op.cit., II, 490.

¹⁴ Mather, Magnalia, II, 490.

he consigned to the lake "that burns with fire and brimstone". Huguenots, too, looked for shelter in the colony whose laws of religious tolerance were so liberal. They settled at Frenchtown where they prospered until their Protestant neighbors persecuted them away.

The third period in the history of Maryland begins with the year 1660 and opens with the reinstatement of the Calverts. The Proprietary immediately regranted full religious liberty to all inhabitants. Anglicans, Puritans, Independents, Anabaptists, Presbyterians, Labadists, and Quakers all found a sanctuary in Maryland. The ideas of religious liberty of some of these sects, however, were not in conformity with those of Cecilius Calvert. Certain individuals believed in toleration for their sect only; others complained of not having the Church of England as the established Church of Maryland. Thus the once peaceful, tolerant colony became submerged in discontent. Accusations against Lord Baltimore were brought to England. Pleas to assume the government were sent to the Crown. The government was again taken out of the hands of the Calverts, and with the change, religious liberty in Maryland came to an end.

The comparative study of religious toleration in Rhode Island and Maryland leads to the final conclusion that Rhode Island's principle of religious liberty is found in many of her statutes. A greater amount of liberty was granted there than in other colonies, but her theory of religious toleration was stronger than her practice. Religious liberty, we know, is born of the spirit and not of the letter of the law. Maryland, on the other hand, did not base her principle on her legislative acts; practical toleration was urged from the beginning. It was granted, safeguarded, cherished, and practiced until the Calverts were stripped of their rights.

B I B L I O G R A P H Y

RHODE ISLAND

A. Primary Sources:

1. Bradford, Wm., History of Plymouth Plantation, (edited by Wm. Davis), New York: Scribner's Sons, 1908.

In his History of Plymouth Plantation, Bradford, Governor of the Plymouth Colony, makes several allusions to Roger Williams. His history is loosely annalistic, but a direct and simple style gives charm to the entire book. The author began to write his account in 1630 and finished it in 1646. It embraces the years 1620-1646, and is the chief source on the early history of Plymouth.

2. Callender, John, An Historical Discourse on the Civil and Religious Affairs of the Colony of Rhode Island, (edited by Romeo Elton), Rhode Island Historical Society Collections, IV, Providence: Knowles, Vose, and Co., 1838.

The original edition of Callender's Historical Discourse was published in 1739. It was out of print for a long time. Then Professor Elton took upon himself the task of preparing notes and additions to accompany the work. The Discourse is a narrative of the beginnings of the first four Rhode Island colonies and a brief account of the churches in early Rhode Island. The author endeavors to show also that religious liberty was established in the colony. A valuable part of the book is the appendix which contains well selected historical documents.

3. Chapin, H.M., Documentary History of Rhode Island, Providence: Preston and Rounds Co., 1916.

This volume includes contemporary documents, extracts from letters, diaries, journals, and printed works of contemporary writers, which throw light upon the history of the town of Providence from its founding in 1636 to the granting of the first town charters in 1648, of the town of Warwick to the same date, and of the colony to the adoption of the "Code of Laws" in 1647.

4. The Charter Granted by His Majesty King Charles II to the Governor and Company of the English Colony of Rhode Island and Providence-Plantations in America, Newport, Rhode Island: 1774.

It is to be found in the Rare Book Room of the Newberry Library.

5. Cotton, J., "John Cotton's Answer to Roger Williams" in Narragansett Club Publications, (edited by Rev. J.L. Diman), II, Part I, Providence, Rhode Island: 1864.

Volume two of the Narragansett Club Publications is divided into two parts. Part one contains the selection given above; part two: "Queries of Highest Consideration", edited by R.A. Guild. The account of Williams' renouncing fellowship with the churches of New England and his becoming a seeker is given in "John Cotton's Answer to Roger Williams".

6. The Fourth Paper Presented by Major Butler with other Papers Edited and Published by Roger Williams in London, 1652, Providence, Rhode Island: 1903.

Butler was a soldier in Cromwell's army and an exponent of absolute toleration. He opposed directly the theory of even a partial state church. Williams found Butler's four proposals, stated in his papers, exactly in accordance with his own views and realized the importance of placing them more prominently before the eyes of the English public. Therefore, he took it upon himself to publish this tract in 1652. Several prominent persons in England endorsed the writer's arguments.

7. Gorton, Samuel, Simplicity's Defence Against Seven-Headed Policy, (edited by Wm. R. Staples, Rhode Island Historical Society Collections, II, Providence: Marshall, Brown, and Co., 1835.

Gorton vindicates himself in this work. He shows that he has been unjustly accused and sorely censured by the church government of New England.

8. Hart, A.B., American History Told by Contemporaries, I, New York: The Macmillan Co., 1919.

Four papers bearing on the colony of Rhode Island are included in this volume: Gorton's "Settlement in Rhode Island", Arnold's "Objections to the New Charter", Roger Williams' "Toleration in Rhode Island", and Governor Sandford's "Rhode Island in 1680".

9. Lucas, Samuel, Charters of the Old English Colonies in America, London: J.W. Parker, 1850.

Among the charters are: the charter of Virginia, Connecticut, Rhode Island, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Carolina, New York, New Jersey, and Georgia.

10. Mather, Cotton, Magnalia Christi Americana or the Ecclesiastical History of New England, Vol. I, II, Hartford, Connecticut: Silas Andreus, Son, 1853.

This author is the most voluminous of colonial writers. His Magnalia is the most important book published in colonial times. From the pages of his work many interesting statements concerning Roger Williams may be gleaned. He writes on the spiritual changes of Williams and among other things discusses his banishment.

11. Morton, N., "Foundation of Rhode Island", Source Book of American History, (edited by A.B. Hart), New York: The Macmillan Co., 1920.

This extract taken from Morton's New England's Memorial gives a brief account of the banishment of Roger Williams and the founding of Providence. Morton holds that Williams was not banished so much for his religious opinions as for the fact that he was a disturber of the peace.

12. "The Records of the Proprietors of Narragansette, Otherwise Called the Fonis Record" in Colonial Gleanings, (edited by J.M. Arnold), I, Providence: 1894.

These records are helpful in tracing various members of society in the Plantations.

13. Rider, S.S., The Charter and the Acts and Laws of His Majesties Colony of Rhode Island and Providence-Plantations in America, 1719, Providence: 1895.

The Rare Book Room, Newberry Library, Chicago, lists this paper among its historical documents.

14. Staples, Wm. R., Annals of the Town of Providence, from Its First Settlement to the Organization of the City Government in June 1832, Rhode Island Historical Society Collections, V, Providence: Knowles, Vose, and Co., 1843.

These Annals prove helpful in tracing early legislative enactments on religious freedom in the colony.

15. Williams, Roger, The Bloody Tenant of Persecution for the Cause of Conscience Discussed, (edited by Ed. B. Underhill), London: J. Haddon, 1848.

Williams wrote this treatise while he was in England in 1644. It is an urgent plea for toleration, an argument against persecution and an attack on the religious views of John Cotton. His argument is carried forward in the form of a dialogue between Truth and Peace over Cotton's doctrine of persecution. The work is obscure in many parts and impresses the reader that it was written in great haste.

16. Williams, Roger, The Bloody Tenant Yet More Bloody", in Narragansett Club Publications, (edited by S.L. Caldwell), IV, Providence: 1870.

Williams published this work as a rejoinder to Cotton's Bloody Tenant Washed and Made White in the Blood of the Lamb. In it he discusses the same great questions as in the earlier work, and maintains the same views with additional arguments bearing on 1) the nature of persecution; 2) the power of the civil sword in spirituals examined; 3) parliament's permission of dissenting conscience justified.

17. Williams, Roger, "Christenings make not Christians", 1645, Rhode Island Historical Tracts, Series 1, No.14, Providence, Rhode Island: Sidney S. Rider, 1880.

Fortunately, this lost tract was recovered by H.M. Dexter. It is a brief discourse on the name heathen as applied to the Indian. Williams manifests deep sympathy for the Indians and says that they are more Christianlike than many who profess to be Christians.

18. Williams, Roger, Experiments of Spiritual Life and Health and Their Preservations, Providence: Reprinted by Sidney S. Rider, 1863.

This treatise, printed in London in 1652, was written in the form of a letter to his wife during her illness while Roger Williams was with the Indians. Its purpose was to console her in her affliction. He divided the treatise into three parts: 1) Evidences

of piety which though real is weak and imperfect; 2) Evidences of vigorous and maturer piety; 3) Directions for maintaining and increasing piety in the soul of the believer. The treatise has no bearing on religious liberty, but gives an insight into the character of the man.

19. Williams, Roger, "George Fox digg'd out of his burrowes or An offer of disputation on fourteen proposals made this last summer, 1672", Narragansett Club Publications, (edited by Rev. Lewis Diman), V, Providence, Rhode Island: 1872.

The work derives its quaint title from the accidental combination of the names Fox and Burrowes in the work which had been written in defence of the Quakers. It contains a number of similar puns on these names. Like most of the writings of Roger Williams, this book is in small quarto and covers about 327 pages, 208 of these are devoted to the account of the controversy and 119 to the appendix. It is dedicated to the "Kings Majesty, Charles II" and commences with two prefatory addresses, one to "The People called Quakers", the other "To those many Learned and Pious Men, whom George Fox hath so silily and scornfully answered in his Book in Folio, etc". While it displays considerable learning and acuteness, this work is characterized by bitter and even discourteous language. The author himself playfully describes it as "sharp scripture language".

20. Winslow, Edward, Hypocrisie Unmasked A True Relation of the Proceedings of the Government and Colony of Massachusetts against Samuel Gorton of Rhode Island, Providence: The Club for Colonial Reprints, 1916.

The tract above contains an account of the proceedings at Boston against Samuel Gorton. A letter of Roger Williams to Winthrop complaining against Gorton is also cited.

21. Williams, Roger, "Letters of Roger Williams", 1632-82, Narragansett Club Publications, (edited by J.R. Bartlett), VI, Providence: 1874.

This volume contains nearly all the extant letters of Roger Williams, one hundred and fifty in number. Fifty of these are addressed to Winthrop. The first one is dated Plymouth, 1632, the last one, Providence, 1641. These letters are a fund of

historical information as well as a revelation of Williams' life and character.

22. Williams, Roger, Letters and Papers of Roger Williams, 1629-1682, Massachusetts Historical Society, Boston: 1924.

This collection, very valuable and helpful to anyone endeavoring to sift the character of the author from his writings, is to be found in the Rare Book Room of the Newberry Library, Chicago.

23. Williams, Roger, Letters of Roger Williams to Lady Masham, in The New England Historical and Genealogical Register, XLIII.

The photostats of this collection of letters can be found in the Rhode Island Society Library. These letters give the student an insight into the religious character of Roger Williams.

24. Williams, Roger, Ten Letters of Roger Williams 1654-1678, (edited by C.S. Brigham) Rhode Island Historical Society, VIII, Providence: Snow & Farnham, 1900.

These letters contain very little material on the subject of religious freedom.

25. Williams, Roger, "A paraentick or humble addresse to the Parliament and assembly for Christian libertie", (Binders title: Tract on Toleration, 1641-45).

This address represents an appeal to Parliament for religious liberty.

26. Winthrop, J., Winthrop's Journal - History of New England, 1630-1649, (edited by James K. Hosmer), I,II, New York: Charles Scribner's Sons, 1908.

Winthrop's Journal, written during the early period of the Massachusetts colony, is a record of the problems and perplexities that the colonists faced. It brings to light the ideals of the Puritans, their attitude toward government, education, and religion. Winthrop's detailed accounts of the trials of Roger Williams and Anne Hutchinson show to what extent religious differences were opposed in those days. His account of what he considered the most important events of the colony shows how intent was the social and intellectual ferment of early Massachusetts and indicates how New England came to be the leader in the New World for several generations.

B. Secondary Sources:

1. Adams, J.T., The Founding of New England, Boston: The Atlantic Monthly Press, 1922.

This work which is the result of recent historical investigation presents a scholarly and very readable account of the religious, economic, and social origins of New England. It is primarily political. The general local narrative is based wholly on original records. The particular topics, however, are drawn from scholarly monographs. The author gives an unbiased account of the banishment of Roger Williams from the colony of Massachusetts.

2. Andrews, Charles, The Fathers of New England, New Haven: Yale University Press, 1921.

Occasional references are made to Roger Williams and Rhode Island.

3. Arnold, S.G., History of the State of Rhode Island and Providence Plantations, 1636-1790, Vol. I,II, New York: Appleton and Co., 1859-60.

Volume one traces the rise and progress of the colony to 1700. The author had access to many valuable sources which fact accounts for the vast amount of details and information presented in this work. Arnold's history remains the chief source for the student of colonial Rhode Island.

4. Carpenter, Edmund James, Roger Williams: A Study of the Life, Time, and Character of a Political Pioneer, New York: Grafton Press, 1909.

In general the author exalts the founder of Rhode Island; nevertheless, the monograph contains a number of statements which are unfavorable to him. This work presents not only interesting facts, it contains interpretations of statements as well, and is one of the best biographies of Roger Williams. An excellent discussion of the controversy between George Fox and Roger Williams is given in this study.

5. Deane, Charles, Roger Williams and the Massachusetts Charter: a Paper read before the Massachusetts Historical Society, Cambridge Press, 1873.

The author criticizes the treatise of Roger Williams in which he questions the authority of

the king's patent to Massachusetts. Deane maintains that these objections were merely theoretical, and that if Williams could not abide by the conditions of the charter of Massachusetts, he should have left that colony.

6. Dexter, Gregory, "Sketch of the Life of Roger Williams" in Rhode Island Historical Collections, I, Providence: John Miller, 1827.

This brief sketch, covering nine pages, gives the reader a general idea of the life of Roger Williams.

7. Dexter, Henry, As to Roger Williams and His Banishment from the Massachusetts Plantation, Boston: Congregational Publishing Society, 1876.

In 1875 a number of people petitioned the General Court of Massachusetts to revoke the sentence of banishment which had been pronounced against Roger Williams in 1635. They urged this action in the interest of "historical justice" on the ground that the decree bore the nature of a punishment for the "offense" of his advocacy of "religious liberty".

The work of Dexter is what it pretends to be, a partisan statement of the case against Williams. It shows characteristic thoroughness of research; it clears up many minor points and is as erudite as it is one-sided. It is an able presentation of the Puritan point of view.

8. Easton, Emily, Roger Williams, Prophet and Pioneer, Boston: Houghton, Mifflin Co., 1930.

The biographer writes a detailed account of the life and times of Roger Williams. She makes her subject a real hero of the seventeenth century. The details of this volume do not include anything new; but the author uses them in such a way as to add to the interest of her work.

9. Eaton, Amasa M., Roger Williams, the Founder of Providence, the Pioneer of Religious Liberty, Providence, Rhode Island: E.L. Fresman, 1908.

Much injustice has been done to Roger Williams according to this biographer; it is her purpose to vindicate him. She does so remarkably well. Although this little work contains a few facts bearing on the attitude of Roger Williams toward religious liberty, still the reader does not get a fair idea of his life. The biographer succeeded well in eulogizing her subject.

10. Elton, Romeo, Life of Roger Williams, the First Legislator and True Champion for Full and Absolute Liberty of Conscience, London: Albert Cockshaw, 41, Ludgate Hill, 1852.

This little work of 173 pages is heavily documented and represents a great deal of research. The author draws much of his material from Knowles' Memoir of Roger Williams. The book contains a good chapter on the religious opinions of Williams as found in his Bloody Tenant and in his Hireling Ministry None of Christ's. This biography includes also a number of valuable letters written by Roger Williams. In the appendix are to be found a letter, written to Major Mason, presenting interesting traits in the character of Williams as well as circumstances on the colonies; a letter of Sir Henry Vane in which Sir Henry makes striking observations on freedom in matters of conscience; and a copy of the charter of Rhode Island granted in 1663. Elton's Life of Roger Williams is a very useful reference. Apparently, the author endeavors to be fair. But his estimate of the character of Roger Williams is rather idealistic.

11. Ernst, James, Roger Williams New England Firebrand, New York: The Macmillan Co., 1932.

This book represents the second work of James Ernst on Roger Williams. His first work is a discussion of the political thought of Williams, while the present volume is an interesting account of his social, political and religious life. The author gives evidence of thorough study of almost all available sources on the subject. The book is written in a clear, direct style.

12. Ernst, James, "The Political Thought of Roger Williams", University of Washington Publications in Language and Literature, VI, No.1, March, 1929, Seattle, Washington: University of Washington Press, 1929.

This book of seven chapters, treats chiefly of the political aspect of Rhode Island and its founder. Chapter one, divided into four parts, deals with Roger Williams, the man. The work is scientifically written and shows a detailed study of source material.

13. Gammell, Wm., "Life of Roger Williams, the Founder of the State of Rhode Island", Spark's Library of American Biography, IV, Boston: Chas. C. Little and James Brown, 1845.

In this work the author discusses not only the life of his subject; he also writes an interesting account of his works as well. Gammell presents a fair picture of Roger Williams.

14. Greene, George W., A Short History of Rhode Island, Providence, Rhode Island: J.A. and R.A. Reid, 1877.

Greene's work of 348 pages was compiled largely from Arnold's History of Rhode Island and forms an excellent compendium of the two volumes.

15. Hall, May, Roger Williams, Chicago: The Pilgrim's Press, 1917.

There are few details in this volume that throw new light on his life and career.

16. Hazard, Caroline, The Narragansett Friend's Meeting in the XVIII Century; with a Chapter on Quaker Beginnings in Rhode Island, Boston: 1899.

Caroline Hazard writes favorably of Rhode Island's treatment of the early Quakers in the colony.

17. King, Henry, The Baptism of Roger Williams, Providence: Preston and Rounds Co., 1897.

Wm. H. Whitsitt, President of the Southern Baptist Theological Seminary, wrote the work, Question in Baptist History. In the appendix, entitled "Baptism of Roger Williams", the author maintains that Roger Williams could not have been baptized by immersion since this method had not been adopted by English

Baptists until 1641, three years after the baptism of Roger Williams. Henry King refutes the arguments of Whitsitt and endeavors to show that Roger Williams was baptized by immersion.

18. Knowles, James D., Memoir of Roger Williams the Founder of the State of Rhode Island, Boston: Lincoln, Edmands and Co., 1834.

Heavily documented, minute in local details, this memoir is considered one of the best biographies of Roger Williams. Very few details in the life of the founder of Rhode Island have been left untouched by the author. Much space is given to the analysis of the works of Roger Williams. Professor Knowles writes that "Roger Williams is entitled to the honor of being the first writer, who clearly maintained the absolute right of every man to a 'full liberty in religious concerns'".

19. Merriman, T.M., The Pilgrims, Puritans, and Roger Williams Vindicated, Boston; 1892.

True to its title, the volume presents a vindication of the founder of Rhode Island.

20. Miller, Charles, Settlement of Rhode Island, New York: Graphic Co., 1874.

The whole story of Rhode Island and its founder is told by means of cartoons and verse. Many an unknown event can be gleaned from the pages of this book.

21. Neal, Daniel, History of Puritans, or Protestant Non-Conformists, London: Printed for J. Buckland at the Buck in Pater-Noster-Row, and J. Waugh and W. Fenner, at the Turk's Head in Lombard Street, 1754.

It is a detailed history of the Puritans in England. It proved helpful to the writer in the study of the persecution of dissenters.

22. Parrington, Vernon L., The Colonial Mind, 1620-1800, (Main Currents in American Thought), I, New York: Harcourt, Brace, and Co., 1927.

Parrington presents a laudatory account of Roger Williams as a "contributor of independency". The author depicts him as a mystic and Christian democrat, concerned with a new social order and

presents his political theory and his theory of toleration.

23. Peterson, Rev. Edward, History of Rhode Island, 1636-1781, New York: John Taylor, 1853.

This work is not a history. It consists of a number of various interesting topics without any chronological arrangement whatever. It tells the story of individuals of prominent colonial families, of heroes, of Jews, of the masonic fraternity. Peterson thinks that to John Clarke and not to Roger Williams belongs the title of founder of Rhode Island. "Roger Williams", he writes, "was the most eccentric man that ever lived".

24. Potter, Elisha, The Early History of Narragansett with an Appendix of Original Documents, Many of Which Are Now for the First Time Published, Rhode Island Historical Society Collections, III, Providence: Marshall, Brown, and Co., 1835.

This volume contains the most important facts relative to the settlements which were made in two of the counties of Rhode Island. Apart from the excellent account of the early Narragansett Indians and their relation to the colonists, reference is made to Roger Williams and his settlement of Providence. Many of his letters are also cited. In this book the author includes much valuable information relating to a highly interesting portion of our early annals, such as cannot fail to prove acceptable to everyone interested in the general history of New England.

25. Richman, Irving B., Rhode Island, Its Making and Its Meaning, New York: G.P. Putnam's Sons, 1902.

Richman's Rhode Island is a survey of the annals of the commonwealth from its settlement to the death of Roger Williams. In his first volume, the author shows how the various settlements in Rhode Island were based on the principle of freedom of conscience, how the English Government conceded toleration in Rhode Island, and how the various settlements were finally organized under the name Providence Plantations. All this was accomplished through the efforts of

one man, namely, Roger Williams. His second volume deals chiefly with the establishment of the political principle of individualism in the colony of Rhode Island. The principle was attained by Rhode Island through much storm and stress. In glorifying the toleration of the early colonists, the author overlooks completely the tolerance which prevailed in Maryland.

26. Rider, Sidney Smith, "An Inquiry Concerning the Origin of Clause in Laws of Rhode Island, (1719-1783) Disfranchising Roman Catholics", Rhode Island Historical Tracts, Series 2, No.1, Providence, Rhode Island: 1889.

The conclusion of the investigator is that the the clause had been interpolated.

27. Rider, Sidney Smith, "Soul Liberty, Rhode Island's Gift to the Nation; an Inquiry Concerning the validity of the Claims for Roman Catholics that Maryland was settled upon that Basis before Roger Williams Planted the Colony of Rhode Island", Rhode Island Historical Tracts, Series 2, No.5, Providence: 1897.

Mr. Rider refutes Father Clarke's article written in 1895, "Maryland or Rhode Island — Lord Baltimore or Roger Williams — Which was First?" and Bishop Spalding's article: "Catholicism and Apa-ism". With forceful conviction he brings out the fact that Maryland's first act of toleration was passed only in 1649 while Rhode Island's was enacted in 1636. A reader unacquainted with the early history of Maryland might be led to adopt the conclusions set forth by Rider.

28. Schneider, H.W., The Puritan Mind, New York: H. Holt and Co., 1930.

In his treatment of Roger Williams, the author shows that the founder of Rhode Island was a bigoted, disputatious person. He writes: "Roger Williams began by contending that he alone knew the truth, that all the New England churches should adopt his ideas, and that he would fight for them to the finish, ..." "To him", it seems, "Rhode Island was an ideal commonwealth precisely because it was continually engaged in sectarian dispute". (60-61)

29. Straus, Oscar S., Roger Williams, The Pioneer of Religious Liberty
New York: The Century Co., 1894.

The author endeavors to give an estimate of the aims, purposes, and work of Roger Williams. Having had access to records and documents which were denied his predecessors, Straus was able to approach the subject from a different point of view. In the last chapter of the book the author delineates the character of Williams in a manner which makes the pioneer stand out as the greatest personage in the New World. He evinces a rare sympathy for his subject.

30. Strickland, Arthur B., Roger Williams: Prophet and Pioneer of Soul-Liberty, Chicago: The Judson Press, June, 1919.

As the title of this monograph indicates, it is a eulogy of Roger Williams. The author makes Rhode Island first in everything that pertains to soul liberty. Interesting features of the book are: its many illustrations; the study outline of the life and times of Roger Williams; a selected bibliography; an itinerary for a historic pilgrimage. While the book includes many valuable quotations, based on documentary sources, it contains no bibliographical footnotes or comments.

31. Turner, Henry E., "William Coddington in Rhode Island Colonial Affairs", Rhode Island Historical Tracts, No.4, Providence: 1878.

In this tract the author presents a survey of the life and work of Coddington in Rhode Island. The work is useful to the student making a special study of the early affairs of the island of Aquidneck.

32. Tyler, L.G., England in America, (volume IV of The American Nation
edited by A.B. Hart), New York: Harper Bros., 1904.

Chapters fourteen and sixteen contain pertinent material relating to Roger Williams and the settlement of the four colonies in Rhode Island.

BIBLIOGRAPHY

MARYLAND

A. Primary Sources:

1. Archives of Maryland, Proceedings and Acts of the General Assembly of Maryland, Jan. 1637/8 - Sept. 1664, I, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1883.
2. Archives of Maryland, Proceedings and Acts of the General Assembly of Maryland, April 1666 - June 1676, II, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1884.
3. Archives of Maryland, Proceedings of the Council of Maryland, 1636 - 1667, III, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1885.
4. Archives of Maryland, Judicial and Testamentary Business of the Provincial Court, 1637 - 1650, IV, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1887.
5. Archives of Maryland, Proceedings of the Council of Maryland, 1667-1687/8, V, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1887.
6. Archives of Maryland, Proceedings and Acts of the General Assembly of Maryland, April 1684 - 1692, XIII, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1894.
7. Archives of Maryland, Judicial and Testamentary Business of the Provincial Court, 1649/50 - 1657, X, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1891.
8. Archives of Maryland, Proceedings and Acts of the General Assembly of Maryland, Sept. 1693 - June 1697, XIX, (edited by Wm. H. Browne), Baltimore: Maryland Historical Society, 1899.
9. Archives of Maryland, Proceedings of the Provincial Court of Maryland, 1658 - 1662, XLI, (3) (edited by B.C. Steiner), Baltimore: Maryland Historical Society, 1922.
10. Archives of Maryland, Proceedings of the Provincial Court of Maryland, XLIX, (4) (edited by J.H. Pleasants), Baltimore: Maryland Historical Society, 1932.

11. Aspinwall Papers, Collections of the Massachusetts Historical Society, IX, X, Fourth Series, Boston: Published by the Society, 1871.

The Aspinwall Papers constitute volumes nine and ten of the fourth series of the collection of the Massachusetts Historical Society. They were collected by Colonel Thomas Aspinwall, Chairman of the committee of publication, during a long residence abroad. Volume nine or part one, deals with letters and papers among which are "Virginia Affairs, 1617-76", "Persecution of the Quakers", "Letters of Gov. Thomas Dongan to Peagrum to the Commission of Custom, 1737", "The French and Indian Wars, 1755-61", and "New York Affairs, 1761-63". A description of Captain Thomas Young's Voyage to Virginia as well as a letter of Captain Young to Sir Tobie Mathew are likewise cited in this collection of papers. A footnote extending over twenty pages, tells the story of Tobie Mathew, his conversion, his life as a Jesuit, and his relation to Buckingham and George Calvert. The last section was particularly helpful in connection with this thesis, although it betrays an anti-Catholic sentiment.

Volume ten treats of affairs of the various colonies after 1763, New York, Pennsylvania, Maryland, Virginia, and North Carolina. It contains letters bearing on the Congress at Philadelphia, papers relating to the Revolution, the charters of the Colonies, and finally a number of miscellaneous papers consisting of private as well as official correspondence.

12. Alsop, George, "Character of the Province of Mary-Land", American History Told by Contemporaries, I, (edited by A.B. Hart), New York: The Macmillan Co., 1919.

The author of this tract had been an indentured slave whose observations were keen and intelligent. His paper, entertaining but overdrawn, throws light not only on the social phase of the colony, but on the religious phase as well, and confirms what reliable authorities write on the subject of religious toleration in the Province.

13. Baltimore, Cecil Calvert, "Lord Baltimore's Plantation in Maryland", Old South Leaflets, 7, No.170, Boston: 1906.

This narrative of the successful beginnings of Lord Baltimore's Plantation in Maryland comprises an

extracts of certain letters written from the colony by some of the adventurers to their friends in England in the year 1634. They describe the customs, habits, and homes of the natives and the life of the new settlers.

14. Brumbaugh, Gajus M., Maryland Records: Colonial, Revolutionary, Church, from Original Sources, Baltimore: Williams and Wilkins Co., 1915.

This miscellaneous collection of documents contains very little pertinent material on the social condition of the Providence during the colonial period.

15. The Calvert Papers, I. (Fund Publication, No.28), Baltimore: Maryland Historical Society, 1889.

The Calvert Papers, Number One, is divided into three parts. Part one contains an account of the recovery of the papers, their presentation to the Society of Jesus, and a copy of the will of George Lord Baltimore. Part two includes a calendar of The Calvert Papers. This calendar comprises four sections. The first of these deals with important dates referring to Maryland, the charter, and related papers; colonization and government; land grants and records; court records, will, letters, etc. The second section gives the dates of the boundary disputes: Delaware and Pennsylvania. The third shows dates with reference to the Avalon plantation; the fourth section records dates pertaining to grants, deeds, documents, and personal letters that belong to the Calvert family. Part three, the most important, includes twenty-three Calvert Papers, many of which are written in the form of letters. These contain a wealth of information. Paper Number One is a copy of Lord Baltimore's Instruction to the Colonists. The other papers are important letters written to the Lords Baltimore, Cecilius and Charles.

16. The Calvert Papers, II. (Fund Publication No.34), Baltimore: Maryland Historical Society, 1894.

The Calvert Papers, Number Two, contains selections from the correspondence from 1719 to 1765. This volume was of no value for this dissertation because the correspondence was carried on in the eighteenth century.

17. The Calvert Papers, III, (Fund Publication, No.35), Baltimore: Maryland Historical Society, 1899.

These papers include "A Briefe Relation of the Voyage unto Maryland" and "Other Papers", some of which are an Agreement between Leonard Calvert and Sir George Lechford, a Deed from Cecilius to Leonard Calvert, a Bond and a Letter from Leonard Calvert to Sir George Lechford, and a Letter from Sir George Lechford to Leonard Calvert.

18. Fuller, Thomas, The History of the Worthies of England, London: Edition Printed by J.G.W.L. and W.G., 1662.

Fuller a contemporary of George Calvert, was much younger than the latter. However, he is one of the most frequently quoted authorities on the conversion of the first Lord Baltimore.

19. Hall, C.C., Narratives of Early Maryland, 1633-1684, (Original Narratives of Early American History, edited by J.F. Jameson), New York: Scribner, 1925.

Early documents pertaining to the founding of the colony as well as a collection of later source material are given in this volume. It is indispensable for anyone who is studying the beginnings of Maryland.

20. Hart, A.B., American History Told by Contemporaries, 1492-1689, I, New York: The Macmillan Co., 1919.

Volume one of this series includes six selections pertaining to the history of Maryland. Four of these contain subject matter relative to the topic of the present paper.

21. Hughes, Thomas, History of the Society of Jesus in North America, Colonial and Federal, Documents, I, Part I, Nos. 1-40. (1605-1838), New York: Longmans, Green, and Co., 1908.

Documents number four, "Objections answered touching Maryland"; number eight, "White's Relatio Itineris in Marilandiam"; number nine, "Account of the Colony, with first Conditions of Plantation"; and those pertaining to the dispute with Lord Baltimore, were especially valuable for this dissertation.

22. Journal of Jasper Danckaerts 1679-1680, (Original Narratives of Early American History edited by B.B. James and J.F. Jameson), New York: Scribner's Sons, 1913.

Danckaerts Journal presents an account of the Labadists in Maryland. The record shows that the Calverts were tolerant toward all sects.

23. Sloane MSS. 3662f 24-26, "Account of the relation of Sir George Calvert with Newfoundland, Virginia, and Maryland, 1670".

This manuscript is a handwritten copy of the one in the British Museum. It was lent to the writer through the courtesy of the Library of Congress, Washington, D.C.

24. White, Father Andrew, Relatio Itineris in Marylandiam, Declaratio Coloniae Domini Baronis de Baltimore, (Fund Publication, No.7), Maryland Historical Society, (edited by Rev. E.A. Dalrymple), Baltimore: John Murphy, 1874.

The student of early Maryland can hardly dispense with this interesting and reliable narrative written by one of the founders of the colony. Part one contains a "Narrative of a voyage to Maryland"; part two, "An Account of Colony of the Lord Baltimore"; part three, "Extracts from Different Letters of Missionaries, 1635-1677".

B. Secondary Sources:

1. Andrews, Matthew Page, The Founding of Maryland, New York: Appleton-Century Co., 1933.

The Founding of Maryland is the latest of M.P. Andrews' works on Maryland. A detailed account of religious liberty in the colony is given in chapter ten. The author discusses it from an unbiased point of view.

2. Andrews, Matthew Page, History of Maryland -- Province and State, Garden City, New York: Doubleday, Doran, and Co., 1929.

Two hundred and twenty pages of this book are devoted to the history of Maryland during the seventeenth century. The author's treatment of the Calverts is in most respects fair. His analysis of the Act Concerning Religion manifests a thorough study of the circumstances under which the act was passed. His account of the Jesuit controversy with Lord Baltimore, however, leads us to believe that he was not acquainted with the latest findings on that subject.

3. Andrews, Matthew Page, Tercentenary History of Maryland, I, Chicago: S.J. Clarke Publishing Co., 1925.

Matthew P. Andrews, the official historian of the Tercentenary, compiled this work from a vast amount of primary sources at his disposal. The sections dealing with religious toleration are very well written and are the product of extensive research. The author holds that from the very beginning Jews had settled in Maryland. "Professed and secret Jews", he writes, "fled from persecution in Spain and Portugal, reached South America and the West Indies before the settlement of St. Mary's." In the Barbados was a Jewish family bearing the name de Sousa. According to Mr. Hartogensis, he writes further, Mathias de Sousa came to Maryland with the first immigrants of the Ark and the Dove. This same name appears in the Annapolis Land Records, the Provincial Court Records, and in sundry other connections.

4. Allen, Rev. Ethan, Maryland and Toleration or Sketches of the Early History of Maryland to 1650, Baltimore: James S. Waters, 1855.

According to Reverend Allen, toleration as understood today was not an idea of the first founders. He maintains also that the Act of 1649 marks the beginning of toleration in Maryland.

5. Bozman, John L., The History of Maryland from Its First Settlement in 1633 to the Restoration in 1660, Baltimore: James Lucas and E.K. Deaver, 1837 - 2 Vol.

Volume one of this work is for the most part introductory to the history of Maryland. Volume two deals with the history of the province. The work is based on a study of original records. Bozman did not have access to papers in the English state-paper office, consequently, much other material has been brought to light since the publication of his work. His rigid adherence to the chronological order accounts for the lack of interest in the narrative. The appendix to the second volume contains valuable excerpts from original records. The work as a whole is rather a collection of material for a history than a history in the strict sense of the word. Moreover, Bozman is not free from prevailing misconceptions regarding the Catholic Church.

6. Brantly, W.T., "The English in Maryland", Winsor's Narrative and Critical History, of America, III, V, Boston: Houghton, Mifflin, and Co., 1887.

Brantly presents a favorable account of the Lords Baltimore and their government.

7. Brown, G.W., The Origin and Growth of Civil Liberty in Maryland, (Maryland Historical Society Collections), Baltimore: John D. Toy, 1850.

On April 12, 1850, G.W. Brown delivered this discourse before the Maryland Historical Society in the form of an address. He comments on civil liberty, tracing its origin in the charter and early legislative acts.

8. Browne, Wm. H., Maryland the History of a Palatinate, Boston: Houghton, Mifflin, and Co., 1893.

In compiling this work the author drew almost entirely from original manuscripts, records, and the archives. This monograph presents a well-written, unbiased history of the period from 1634 to 1781. Chapters one, two, four, five, and ten contain valuable material relative to the subject of this paper. Although Browne writes favorably of the Jesuits, his treatment of the controversy between them and Lord Baltimore is not in keeping with the findings of the latest investigators.

9. Campbell, B.U., Review of J.P. Kennedy's Life and Character of George Calvert, Baltimore: J. Murphy, 1846.

In an interesting and valuable paper Campbell contends that the honor of establishing the policy of religious freedom in Maryland does not belong to the Prince of England as held by Kennedy but must be attributed to the Proprietary and the first settlers. This review provoked a reply from Kennedy.

10. Chalmers, George, Political Annals of the Present United Colonies, from Their Settlement to the Peace of 1763, London: Printed for the author and sold by J. Bowen, 1780.

Chalmers had been a lawyer in Maryland, but at the outbreak of the Revolutionary War returned to England. At the instance of Sir Dalrymple he undertook the task to write this history. Having had access to the English state papers, he was in a position to compile an accurate work. His account is, therefore, fair. Chapters nine and fifteen deal with Maryland. This work is in the Rare Book Room of the Library of Congress, Washington, D.C.

11. Davis, George Lynn-Lachlan, The Day-Star of American Freedom; or the Birth and Early Growth of Toleration in the Province of Maryland, New York: Charles Scribner, 1855.

This work, the first of its kind to treat at length on religious toleration in Maryland, is based on an examination of wills, rent-rolls, and other records. The author assures the reader that practical toleration prevailed in the

colony from the beginning; freedom of conscience was not only allowed, it was exacted. To Davis is due the credit of having settled the vexed question of the religious faith of the legislators who passed the Toleration Act of 1649. He holds that the Catholics were in the majority. This monograph contains also a summary of all that is known of the entire personal history of each member of the Assembly of 1649.

12. Eggleston, Edward, The Beginners of a Nation, New York: D. Appleton and Co., 1912.

The author divides his work into three books. Book one deals with the "Rise of the First English Colony"; book two, with "The Puritan Migration"; book three, with "Centrifugal Forces in Colony-Planting". Each chapter ends with several pages of elucidations. The pages of The Beginners of a Nation reflect not only the spirit of the ages in which the colonies were begun, but also the character of the early colonists. Moreover, they bring into relief the social, political, intellectual, and religious forces that promoted emigration. The author's treatment of the "Prophet of Religious Freedom" and George Calvert, founder of Maryland, is unbiased and fair. In compiling this work Eggleston had access to a wealth of original sources. He drew from the British Museum, the Public Record Office, and other places in England, from the Bibliotheque Nationale at Paris, and from the chief libraries in the United States.

13. Gambrall, Theodore C., Studies in the Civil, Social and Ecclesiastical History of Early Maryland, New York; Thomas Whittaker, 1893.

In the preface the author writes that he does not attempt to call his work a book, it is, he says, "a series of panoramic views, full and sufficiently clear in outline to give every one definite and accurate ideas of that earliest life of our State". (P.vii) The work comprises ten lectures, each one bearing on the relation of civil to ecclesiastical affairs in the colony. Discussing the treatment of the

Quakers in Maryland, the author states that the authorities of the colony looked on the question with the eyes of statesmanship and not with those of religious bigotry. He holds, further, that Maryland's claim to religious toleration rests on the same spirit and not on the mere Act of Religion, which act only expressed what the political faith of Maryland was from the beginning. "She had been, and was, and continued to be, tolerant of all classes and names of Christians, when the law was promulgated".

14. Griffith, Thomas W., Sketches of Early History of Maryland, Baltimore: Frederick Schaefer, 1821.

Part one of this monograph gives a very brief account of the history of early Maryland. Part two contains annals of the Province from 1651-1766.

15. Hall, Clayton C., The Lords Baltimore and the Maryland Palatinate, Baltimore: Nunn and Co., 1904.

The book comprises a series of six lectures which present a brief sketch of the life and character of each of the Barons of Baltimore, Lords Proprietary of Maryland, together with a review of the salient facts connected with the history of the Province. His chief references were the Maryland Archives.

16. Hughes, Thomas, History of the Society of Jesus in North America, Colonial and Federal, 2 Vol., New York: Longmans, Green, and Co., 1908.

In the course of his researches Father Hughes unearthed a wealth of documentary material which casts a new light on several aspects of the history of Maryland. These scholarly written volumes are indispensable for the study of the charter of 1632 and for the controversy of Lord Baltimore with the Jesuits.

17. Johnson, Bradley T., The Foundation of Maryland and the Origin of the Act Concerning Religion of April 21, 1649, (Fund Publication, No.18), The Maryland Historical Society, Baltimore: 1883.

Johnson's work emphasizes the fact that the motives of Lord Baltimore in establishing a

colony were not material development or a consequent of the religious movement in England or the result of the teachings and practices of the Roman Catholic Church. He maintains that his motive was the determination to devote his life and fortune to the work of founding a free English state with institutions planted upon ancient customs, rights, and safeguards of free Englishmen. The work contains valuable excerpts from manuscripts. With the exception of the account of the Jesuit-Baltimore controversy, the author presents a fair and unbiased account of the foundation of Maryland and the origin of the act concerning religion.

18. Kennedy, John P., Discourse of Life and Character of George Calvert, Baltimore: John Murphy, 1845.

Kennedy maintains that toleration was granted in the charter of Maryland, and therefore, as much credit is due to the Protestant prince who granted it as to the Catholic nobleman who received the patent. He argues at length that George Calvert always had been a Catholic under disguise and holds that the settlement of Maryland was mainly a commercial speculation.

19. Lippincott, Constance, Maryland as a Palatinate, Philadelphia: J.B. Lippincott Co., 1902, (Printed for Private Circulation)

This monograph of forty-eight pages was compiled from reliable sources and gives the reader a general idea of the history of Maryland. In the introduction the author defines the term "Palatinate", points to palatinates in America, and shows the advantages of this form of government. As to Maryland proper, he touches on its main characteristics; the charter, the naming of Maryland; the origin of Maryland Law, land tenure, the people and life of colonial Maryland, the church and clergy, education, cities, and towns, methods of travel, finance, and famous men.

20. Mayer, Brantz, Calvert and Penn: or the Growth of Civil and Religious Liberty in America, as Disclosed in the Planting of Maryland and Pennsylvania, Baltimore: Printed for the Pennsylvania Historical Society by J.D. Toy, 1852.

The colonies of Maryland and Pennsylvania are compared and the proprietors Calvert and

Perm are shown to have been exponents of religious liberty.

21. McMahon, John V.L., An Historical View of the Government of Maryland from Its Colonization to the Present Day, Baltimore: F. Lucas, Jr. Cushing and Sons, and William and Joseph Neal. (Lucas and Deaver, print.) 1831.

The first section of An Historical View of the Government of Maryland contains three chapters which treat of the grant and territorial limits of the State of Maryland, of its civil divisions, and of the sources of Maryland law. The second section, containing twelve chapters, deals mostly with the government of the Province down to the Revolution. Its strictly historical section occupies less than half the book. The remainder is an examination of the legal aspects of the charter, the sources of American law, and the distribution of legislative power under the state government. The work is founded on a study of original records, and is a valuable guide to the student of the Maryland charter. It is not, however, altogether free from prejudice.

22. McSherry, James, A History of Maryland from its Settlement in 1634 to the Year 1648, Baltimore: J. Murphy, 1849.

As far as this monograph relates to the period under consideration, it gives a clear summary of the leading events; but it does not seem to have been founded on original investigation of the sources.

23. Morris, John G., The Lords Baltimore, (Fund Publication, No.8), Baltimore: John Murphy, 1874.

This Publication contains a well written, unbiased account of each of the Lords Baltimore. Although only twenty-nine pages are devoted to the life of George Calvert, the account gives the reader a very good insight into the life and character of the projector of Maryland. This work will prove helpful to anyone studying the career of the Calverts.

24. Neill, Rev. Edw., The Founders of Maryland as Portrayed in Manuscripts, Provincial Records, and Early Documents, Albany: Joel Munsell, 1876.

Eighty-four of the one hundred and seventy-seven pages comprising this book, are devoted to the condition of religion in the colony during the seventeenth century. In general Neill's works are biased and unreliable.

25. Neill, Edward D., Terra Mariae, Philadelphia, J.B. Lippincott and Co., 1867.

This little work is a disgressive account of Lord Baltimore with brief notices of persons more or less connected with the early history of the colony. The author quotes many letters written during the seventeenth century but rarely refers to the source from which he drew them. He argues strongly in favor of the Puritan influence on the history of Maryland and maintains that the Church of England was established in the Province by the charter. His writings on the internal affairs of the colony are not always accurate.

26. Norris, J.S., The Early Friends (or Quakers) in Maryland, (Maryland Historical Society), Maryland: John D. Toy, 1862.

In this paper of thirty pages which Norris read at the meeting of the Maryland Historical Society, March 6, 1862, he presents an interesting survey of the Quakers in Maryland from their coming into the Province in 1657 down to 1789. He devotes most of the space to the accounts of the general or yearly meetings in which reports on spiritual and temporal matters were read. The author states that in these meetings, the subject of slavery was always brought up. He points out, further, that the Quakers enjoyed greater liberty and happiness in Maryland than either in the Mother Country or in the more advanced provinces of New England.

27. Oldmixon, John, THE BRITISH EMPIRE IN AMERICA, Containing the HISTORY of the Discovery, Settlement, Progress & present State of all the BRITISH COLONIES on the Continent & Islands of America, Vol. I, LONDON, Printed for John Nicholson at the King's Arms in Little Britain, Benjamin Tooke at the Middle-Temple Gate, Fleetstreet, & Richard Parker and Ralph Smith under the Pizza of the Royal Exchange, 1708. (2 volumes)

Oldmixon's purpose in writing this work was to show the benefit that England was deriving from the colonists. Volume one contains an account of the soil, climate, products, and trade of Newfoundland, New Scotland, New England, New York, Maryland, Virginia, Carolina, and Hudson Bay. In his history of Newfoundland, covering nineteen pages, the author touches on the settlement of Avalon made by George Calvert. His account of Maryland is very interesting. It contains pertinent matter on religious liberty as granted by the Calverts up to 1700. As to Leonard Calvert, the first governor of the Province he writes: "By his Wisdom and Presence this colony flourish'd apace". Of Charles Calvert he writes: "He behav'd himself with so much Justice and Moderation, while he kept the Power in his own Hands, that the Inhabitants liv'd easily and happily under him". To show that religious liberty prevailed in Maryland during the Calvert regime, he states: "... that Liberty having never been infring'd in any matter, is a severe Reflection on those Pretended Protestants in other Colonies; where dissenters have been oppressed; while here, under a Popish Proprietary, they enjoy'd all the Rights, Liberties, and Privileges of Englishmen, as far as the Laws permitted them". (191-92) The works of Oldmixon are available at the Illinois State Library.

28. Petrie, George, Church and State in Early Maryland, (Johns Hopkins University Studies in Historical and Political Science, IV, 10th series), Baltimore: John Hopkins University Press, 1892.

In this monograph, Petrie purposes to trace the relation of State to Church in Maryland from the foundation of the colony in 1634 down to the establishment of the Church of England in 1692. In his opinion religious liberty arose not from the charter but from the policy of the Proprietary, Cecilius Calvert. He holds, further, that toleration in Maryland culminated in the act of 1649. He maintains that the Lords Baltimore were consistent and impartial in their attitude toward toleration and that the tolerance of different creeds during the forty years of their administration indicates something more than "a wily policy which uses the cloak of toleration to protect a single creed".

29. Randall, Daniel R., A Puritan Colony in Maryland, (Johns Hopkins University Studies), Baltimore: Murray, 1886.

The author sets forth a laudatory account of the Puritans in Maryland. He maintains that the act of 1654 which disfranchised Catholics was never rigidly enforced. But more investigation brings to light that the findings of Randall and the records of the Archives of Maryland do not agree.

30. Russell, W.T., Maryland: the Land of Sanctuary, A History of Religious Toleration in Maryland from the First Settlement until the American Revolution, Baltimore: J.H. Furst Co., 1907.

Bishop Russell's work deals chiefly with religious toleration in the colony. The first fifteen chapters are devoted to the history of Maryland in the seventeenth century. The author spared no efforts in securing the best authorities to substantiate his statements. He consulted not only works of Catholic writers but drew frequently from reliable non-Catholic historians as well. Bishop Russell's work is the product of careful study and can scarcely be dispensed with in the investigation of religious toleration in Maryland.

31. Shea, John Gilmary, The Catholic Church in Colonial Days, New York: John G. Shea, 1886.

John Gilmary Shea did not have access to many documents and sources of information now at the disposal of the historical investigators, yet his volume is the standard work on the Catholic Church in the colonies. In the search for specific data of this period, one need only refer to this work.

32. Spalding, H.S., Catholic Colonial Maryland, Milwaukee: Bruce and Co., 1931.

This popular, well written volume contains an interesting chapter on religious toleration in Maryland and Rhode Island.

33. Steiner, B.C., The First Lord Baltimore and His Colonial Projects, Annual Report of the American Historical Association for the year 1905, I, Washington: Government Printing Office, 1906.

This volume is a well written account of George Calvert's projects and is especially valuable for the detailed bibliography contained in one of the footnotes.

34. Streeter, Sebastian F., Papers Relating to the Early History Of Maryland, (Fund Publications, No.9), Baltimore: Jan., 1876.

The tracts comprising this publication were prepared by S.F. Streeter while acting as Recording Secretary of the Maryland Historical Society. They contain the proceedings and acts of the Assembly of 1638 with a list of the members and their occupation, a record of the case against Wm. Lewis, the first will, the first marriage license and various court proceedings.

35. Wilhelm, L.W., Sir George Calvert, Baron of Baltimore, (Fund Publications, No.20), Baltimore: J. Murphy, 1884.

This book represents one of the few biographies of George Calvert. It is a scholarly work, portrays much earnest research on the part of the author, and gives a fair picture of George Calvert.

GENERAL WORKS

1. Andrews, Chas. M., Colonial Self-Government, 1652-89 (Vol. V of The American Nation, edited by A.B. Hart), New York: Harper and Bros., 1904.
2. Bancroft, George, History of the United States of America, I, New York: D. Appleton and Co., 1916.
3. Channing, Edward, A History of the United States, I, New York: The Macmillan Co., 1921.
4. Chitwood, Oliver P., A History of Colonial America, New York: Harper and Bros., 1931.
5. Doyle, J.A., The English Colonies in America, I, New York: Henry Holt and Co., 1889.
6. Fiske, John, Old Virginia and Her Neighbors, New York: Houghton, Mifflin Co., 1897.
7. Hagerty, J.E., "Calvert", The Catholic Encyclopedia, III, 192-95, New York: Robert Appleton Co., 1908.
8. Lodge, Henry C., A Short History of the English Colonies in America, New York: Harper and Bros., 1909.
9. Osgood, Herbert L., The American Colonies in the Seventeenth Century, I, New York: The Macmillan Co., 1904.
10. Singer, Isidore, "Maryland", The Jewish Encyclopedia, 12 Vol., New York: Funk and Wagnalls Co., 1904.
11. Thwaites, Reuben, The Colonies, 1492-1750, New York: Longmans, Green, and Co., 1901.
12. Wilson, Woodrow, A History of the American People, (Documentary Edition) I, II, New York: Harper and Bros., 1918.
13. Winsor, Justin, The Narrative and Critical History of America, III, V, Boston: Houghton, Mifflin, and Co., 1887.

PERIODICALS

1. Clarke, Rev., "Maryland or Rhode Island, Lord Baltimore or Roger Williams, Which Was First?", American Quarterly Review, XX, (April, 1895), 289-313.

Without detracting any merit from Roger Williams, Father Clarke proves from documents and the works of non-Catholic writers that Maryland was the first colony in which religious liberty was established.

2. Coulson, Herbert H., "The Palatinate of Durham and the Maryland Charter", The Historical Bulletin, XII, No.2, (January, 1934), 21-23.

A thorough explanation of the term Palatinate of Durham is included in this article.

3. Goulding, Stuard D., "Honest Roger Williams", The Commonweal, XIX, No. 12, (January 19, 1934), 317-19.

This article portrays Roger Williams as eccentric at certain times, but as tolerant at all times. Apparently he believes that had Catholics emigrated to Rhode Island, they would have been tolerated.

4. Ives, J. Moss, "Catholic Antecedents of Maryland Liberties", Thought, VII, No.2, (September, 1932), 182-97.

This is an orientation study in the history of religious toleration in America.

5. Ives, J. Moss, "Roger Williams, Apostle of Religious Bigotry", Thought, VI, No.3, (December, 1931), 478-92.

The writer of this article endeavors to show from reliable sources that the founder of Rhode Island was not an apostle of religious liberty.

6. LaFarge, John, S.J., "The Missions of Old Maryland", America, L, No.25, (March 24, 1934), 286-88.

Together with the story of the missions of Maryland, Father LaFarge gives some interesting facts concerning the colony. His explanation of the Jesuit-Baltimore Controversy is lucid, though brief, and valuable to every student of Colonial Maryland.

7. LaFarge, John, S.J., "Some Aspects of the Jesuit-Baltimore Controversy", Thought, IV, No.4, (March, 1930), 639-67.
8. _____ "The Jesuit-Baltimore Controversy", The Historical Bulletin, XII, No.2, (January, 1934), 23-25.

These articles present an excellent discussion on the land controversy in colonial Maryland. Father LaFarge gives us a new interpretation on the subject.

9. "Maryland's Lesson of Tolerance", America, I, No.25, (March 24, 1934), 581-82.

This editorial first cites the oath which Cecilius Lord Baltimore required of the governors of his colony. It shows also that the Church is always tolerant of human opinions, that is, tolerant of persons holding false doctrines, but never tolerant of error or false doctrine.

10. "The Rise of Religious Liberty in the United States", Catholic World, XXIII, (September, 1876) 721-41.
11. Ritchie, Albert C., "Maryland — The Home of Religious and Civic Liberty", America, I, No.25, (March 24, 1934), 288-90.

In a clear, concise manner the present governor of Maryland shows that Maryland rightfully merits the title, "Home of Religious and Civic Liberty". As to the Act of Toleration in 1649, he maintains that it was not the origin of religious freedom in Maryland; nor did it "reflect the attitude of the Calverts and of the early Maryland settlers toward the subject". The article serves as an excellent background for the study of liberty and democracy as found in early Maryland.

12. Spalding, Bishop, "Catholicism and Apaism", North American Review, CLIX, (September, 1894), 279-81.

Bishop Spalding attacks APAism and shows its detriment to Catholics. Sidney S. Rider refers to this article in his tract "Soul Liberty, Rhode Island's Gift to the Nation".

The thesis "A Comparative Study of Religious Toleration in Rhode Island and Maryland during the Seventeenth Century," written by Sister Leonette Engel, has been accepted by the Graduate School of Loyola University, with reference to form, and by the readers whose names appear below, with reference to content. It is, therefore, accepted as a partial fulfillment of the requirements of the degree conferred.

Rev. Joseph J. Roubik, S.J. April 14, 1934

Paul Kiniery, Ph.D. April 20, 1934